

## EXHIBIT C

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**From:** Austin Hansley [mailto:[ahansley@underwoodlawoffices.com](mailto:ahansley@underwoodlawoffices.com)]  
**Sent:** Thursday, March 22, 2018 3:38 PM  
**To:** Tamula Yelling  
**Cc:** [munderwood@underwoodlawoffices.com](mailto:munderwood@underwoodlawoffices.com)  
**Subject:** Conference Re: '139 & '234 Patents

Tamula,

Please find attached to this email a representative complaint recently filed against one of your competitors along with its associated documents.

We would like to discuss this with you at your earliest convenience. We are available for a conference call on the following dates and times:

Friday, 3/23 – after 1:30 p.m.

Monday, 3/26 – 8 a.m. to 5 p.m.

Wednesday, 3/28 – 8 a.m. to 5 p.m.

Best Regards,

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

13-31 SPORT, LLC; ) CIVIL ACTION NO.:  
 )  
 Plaintiff, ) COMPLAINT FOR INFRINGEMENT OF  
 ) UNITED STATES PATENTS:  
 v. )  
 ) 1. NO. 6,598,234;  
 DICK'S SPORTING GOODS, INC.; ) 2. NO. 6,499,139.  
 )  
 Defendant. ) [35 U.S.C. 271]  
 )  
 )

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Plaintiff 13-31 Sport, LLC, alleges against Defendant Dick's Sporting Goods, Inc.:

**PRELIMINARY ALLEGATIONS**

1. This action arises under 35 U.S.C. § 271 for Dick's Sporting Goods, Inc.'s infringement of 13-31 Sport, LLC's United States Patent No. 6,598,234 ("the '234 Patent"), and United States Patent No. 6,499,139 ("the '139 Patent").

**The Parties**

2. Plaintiff 13-31 Sport, LLC is an inventor-owned company. 13-31 Sport, LLC is a limited liability company organized under the laws of the State of Kansas and is at 9604 West 121st Terrace, Overland Park, Kansas 66213.

3. Upon information and belief, Defendant Dick's Sporting Goods, Inc. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 345 Court St., Coraopolis, Pennsylvania 15108. Dick's Sporting Goods, Inc. may be served through its registered agent for service, Corporation Service Company d/b/a CSC – Lawyers Inc., 211 East 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701.

4. Defendant Dick's Sporting Goods, Inc. operates a local sporting goods store to sell sporting equipment to consumers at their store located at 170 East Stacy Road, Allen, Texas 75002 and at various other store locations across the United States and online at [www.dickssportinggoods.com](http://www.dickssportinggoods.com).

**Jurisdiction & Venue**

5. This action arises under the patent laws of the United States, including 35 U.S.C. § 271 et seq. This Court has original subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Dick's Sporting Goods, Inc. because Dick's Sporting Goods, Inc. is registered to do business in Texas, has committed acts of infringement within Texas giving rise to this action, and has established minimum contacts with this forum so the exercise of jurisdiction over Dick's Sporting Goods, Inc. would not offend traditional notions of fair play and substantial justice. Dick's Sporting Goods, Inc. maintains substantial, systematic, and continuous contacts with Texas, and/or Dick's Sporting Goods, Inc. has purposefully directed infringing activities at residents of Texas, and this litigation results from those infringing activities. Dick's Sporting Goods, Inc. has committed and continues to commit acts of infringement in this District by, among other things, using, offering for sale, and selling products that infringe the '234 and '139 Patents.

7. Venue is proper in this District under 28 U.S.C. § 1400(b) because Dick's Sporting Goods, Inc. resides in this District by having a regular and established presence within this District. Dick's Sporting Goods, Inc. has maintained one of their sporting goods stores at 170 East Stacy Road, Allen, Texas 75002 for many years and has committed and is committing acts of

infringement in the State of Texas by selling infringing products to Texas residents online and in their various stores in Texas.

**Patent-In-Suit**

8. 13-31 Sport, LLC is the owner by assignment of all right, title, and interest in and to the ‘234 Patent, entitled “Face Guard” which was duly and legally issued on July 29, 2003 by the United States Patent and Trademark Office to the inventors Chrisanthia Brown and Billie Jean Smith. The ‘234 Patent is valid, enforceable, and currently in full force and effect. A true and correct copy of the ‘234 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.

9. 13-31 Sport, LLC is the owner by assignment of all right, title, and interest in and to the ‘139 Patent, entitled “Face Guard” which was duly and legally issued on December 31, 2002 by the United States Patent and Trademark Office to the inventors Chrisanthia Brown and Billie Jean Smith. The ‘139 Patent is valid, enforceable, and currently in full force and effect. A true and correct copy of the ‘139 Patent is attached hereto as Exhibit 2 and incorporated herein by reference.

10. The ‘234 & ‘139 Patents claim a novel face guard configured for protecting the face of a baseball/softball player from a baseball/softball when the guard is donned by the player without restricting the player’s generally horizontal line of sight. *See, e.g.* Exhibit 1 & Exhibit 2, ‘234 Patent, Col. 1:5-15, 3:61-64 & ‘139 Patent Col. 1:10-20, 3:58-62. Prior face guards were designed for catchers, which included significant padding and/or framing around the face of the user for protective purposes making the mask bulky and tending to obstruct aspects of the player’s vision. *See, e.g., id.* at Col. 1:19-28 & Col. 1:14-23, respectively. Prior face guards were designed for pitchers, infielders, etc. which undesirably obstruct the player’s horizontal line of sight, including the player’s peripheral vision, either because the framing interferes with the player’s vision when the mask is properly positioned or because the mask moves relative to the player’s

face during use. For example, prior art infielder masks cannot be sufficiently secured to the face to substantially absorb the impact forces of a ball engaging the mask and/or the masks are not sufficiently configured to adequately transfer the absorbed impact forces (*e.g.*, the masks are not spaced from the face, the face is not insulated from the mask, etc.). *See, e.g., id.* at Col. 1:32-44 & Col. 1:27-40, respectively. Furthermore, prior art infielder masks are difficult to don, requiring the player to use both hands to position the mask on the face and hold it there while simultaneously adjusting the necessary straps to secure the mask to the face. These limitations are undesirable because they discourage ball players from wearing the masks compromising the players' safety. *See, e.g. id.* at Col. 1:45-51 & Col. 1:40-46, respectively.

11. To solve these issues with the prior art face guards, the '234 Patent & '139 Patent introduced a novel face guard. The improved face guard of the '234 Patent & '139 Patent provides effective yet comfortable protection for a baseball/softball player's face from a baseball/softball without restricting the player's generally horizontal line of sight when the guard is donned by the player. The said improved face guard can be easily and sufficiently secured to the player's face and once secured thereto remains adequately spaced and insulated from the face to substantially absorb impact forces of a ball engaging the guard without undesirably transferring the forces to protected features of the face. *See, e.g. id.* at Col. 1:54-65 & Col. 1:50-61, respectively.

12. To solve these issues in the prior art face guards, the improved face guard disclosed in the '234 Patent claims: A face guard for protecting a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player, the face guard comprising: An open framework configured to prevent a baseball from contacting the player's face when the guard is donned. *See e.g. '234 Patent Fig. 1, Cols. 2:2-5, 2:25-28, 2:49-52, 3:15-27, 3:65-66, 7:10-11.* Said framework including a plurality of vertically

spaced crossbars extending across the player's face when the guard is donned. *See e.g.* '234 Patent Fig. 1, Cols. 2:10-13, 2:33-36, 2:57-59, 3:18-19, 4:3-5, 7:12-15. Said framework further including a plurality of risers interconnecting the crossbars. *See e.g.* '234 Patent Fig. 1, Cols. 2:13-14, 2:60-61, 7:15-16. Said framework defining an open section being positioned generally adjacent to the player's generally horizontal line of sight when the guard is donned. *See e.g.* '234 Patent Fig. 1, Col. 1:32-34. Said open section being devoid of risers. *See e.g.* '234 Patent Fig. 1, Cols. 1:10-15, 1:58-60, 2:60-63, 4:41-44, 4:64-66, 7:20. A plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned. *See e.g.* '234 Patent Fig. Cols. 2:5-6, 2:28-29, 2:52-53, 7:21. And compressible padding connected to the framework and configured to contact the player and thereby space the framework from the face when the guard is donned. *See e.g.* '234 Patent Fig. 1, Cols. 2:7-8, 2:31-32, 2:54-55, 7:24-25. Said padding presenting a brow pad and a chin pad. *See e.g.* '234 Patent Fig. 1 & Fig. 4, Cols. 2:15-16, 3:6-7, 7:26-27. Said brow pad extending laterally across the face and configured to contact the brow of the player when the guard is donned. *See e.g.* '234 Patent Fig. 1 & Fig. 4, Cols. 2:16-18, 3:9, 7:29-31. Said chin pad extending vertically across the face and configured to contact the chin of the player when the guard is donned. *See e.g.* '234 Patent Fig. 1 & Fig. 4 Cols. 2:18-20, 2:32-35, 3:10-12, 5:9-11, 7:31-33. Said risers being free of said padding. *See e.g.* '234 Patent Fig. 1 & Fig. 4, Cols. 2:20-21, 7:35. Said plurality of straps including a securing strap being coupled relative to the chin pad and being configured to snugly enclose the crown of the player's head and thereby secure the guard on the player's face once the guard is positioned on the player's face. *See e.g.* '234 Patent Fig. 3, Cols. 2:65-67 & 3:1-7, 5:44-50, 6:48-58, 7:35-40.

13. To solve these issues in the prior art face guards, the improved face guard disclosed in the '139 Patent claims: A face guard for protecting a baseball player's face from a baseball

without restricting the player's generally horizontal line of sight when the guard is donned by the player, the face guard comprising: An open framework configured to prevent a baseball from contacting the player's face when the guard is donned. *See '139 Patent Fig. 1, Fig. 2, Cols. 1:65-67 & 2:1, 2:21-24, 2:45-48, 7:6-7.* Said framework including a plurality of vertically spaced crossbars extending across the player's face when the guard is donned. *See '139 Patent Fig. 1, Fig. 2, Cols. 2:6-9, 2:29-32, 2:53-56, 7:8-10.* Said framework further including a plurality of risers interconnecting the crossbars. *See '139 Patent Fig. 1, Fig. 2, Cols. 2:6-9, 2:29-32, 2:55-56, 7:11-12.* Said framework being positioned, when the guard is donned, outside of the player's generally horizontal line of sight; *See '139 Patent Fig. 1, Fig. 2, Cols. 2:9-11, 2:32-34, 2:56-58, 4:18-20, 4:30-33, 7:14-16.* A plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned. *See '139 Patent Fig. 1, Fig. 3, Cols. 2:1-3, 2:24-26, 2:48-50, 7:17-19.* Compressible padding connected to the framework and configured to contact the player and thereby space the framework from the face when the guard is donned. *See '139 Patent Fig. 1, Fig. 3, Cols. 3:62-64, 4:65-67 & 5:1-2, 5:25-30, 7:20-22.* Said padding presenting a brow pad and a chin pad. *See '139 Patent Fig. 1, Fig. 4, Cols. 2:11-12, 3:3, 7:23.* Said brow pad extending laterally across the face and configured to contact the brow of the player when the guard is donned. *See '139 Patent Fig. 1, Fig. 4, Cols. 5:3-4, 7:25-27.* Said chin pad extending vertically across the face and configured to contact the chin of the player when the guard is donned. *See '139 Patent Fig. 1, Fig. 4, Cols. 2:14-16, 2:29-31, 3:6-8, 5:8-10, 7:28-31.* Said risers being free of said padding. *See '139 Patent Fig. 1, Fig. 4, Cols. 2:16-17, 7:31.* Said framework including a chin bar extending below the chin of the player when the guard is donned. *See '139 Patent Fig. 1, Fig. 2, Fig. 4, Cols. 4:27-29, 7:32-34.* Said framework including a chin guard. *See '139 Patent Fig. 1, Fig. 2, Fig. 4, Cols. 5:13-28, 7:34-35.* Said plurality of straps

including a stretchable positioning strap and first and second adjustable securing straps. *See* ‘139 Patent Fig. 1, Fig. 3, Cols. 2:35-38, 2:58-60, 5:49-59, 7:36-37.

### **Factual Background**

14. Co-inventor Chrisanthia Brown, Ph.D. is a counseling psychologist who serves as interim dean of the School of Education at the University of Missouri-Kansas City (UMKC). She is also a professor in the School of Education’s Division of Counseling and Educational Psychology. She earned her doctorate degree in Counseling Psychology from UMKC, a master’s degree in counseling from California State University, Long Beach, and a Bachelor’s degree from the University of California at Los Angeles. Prior to her interim dean role she served as Chair of the Division of Counseling and Educational Psychology and also served as Coordinator of the Master’s program in Counseling and Guidance (Mental Health and Couples and Family). She has over 21 years of teaching in counselor preparation programs and over 32 years of experience providing counseling to culturally diverse populations. She is a licensed psychologist in Missouri and Kansas and consults various organizations, including continuing education workshops on ethics and professional issues to mental health professionals. Chrisanthia Brown has authored/co-authored over 45 journal articles, many with a multicultural focus.

15. Chrisanthia Brown was prompted to invent what embodies the ‘234 and ‘139 Patents when she witnessed a young kid get hit in the face with a brutal line drive from a baseball. At that very moment, she vowed to make playing baseball safer for children. She recruited Billie Jean Smith to co-invent the ‘139 Patent which was ultimately granted on December 31, 2002 and subsequently the ‘234 Patent on July 29, 2003.

16. Co-Inventor, Billie Jean Smith, studied legal secretarial procedures at Penn Valley Community College and thereafter studied paralegal studies at Johnson County Community

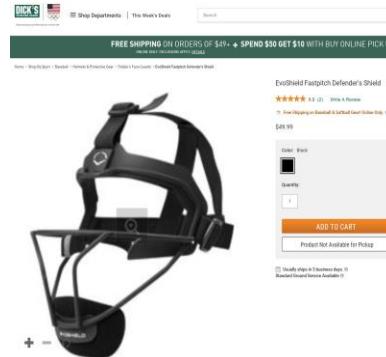
College. After graduating Billie began a legal career with a law firm in downtown Kansas City, Missouri in 1980. Billie then went to work for law firms in Kansas as a corporate paralegal gaining experience in litigation, domestic relations, real estate, probate, intellectual property, employment law, and corporate law.

17. Dick's Sporting Goods, Inc. is one of the largest sporting goods retailers in the world selling products online at [dickssportinggoods.com](http://dickssportinggoods.com) and in over 610 local retail stores in 47 states in the United States. When an order is placed online, Dick's Sporting Goods, Inc. pulls new and used inventory from local stores to fulfill each said online order to reduce shipping costs.

18. Dick's Sporting Goods, Inc. has appropriated the inventions of the '234 & '139 Patents. Upon information and belief, Dick's Sporting Goods, Inc. sells multiple products in their stores and online that comprise a face guard for protecting a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player.

19. For example, Dick's Sporting Goods, Inc. sells these products which infringe the '234 & '139 Patents including but not limited to: Evoshield Defender's Mask, Markwort Game Face (2 versions), Mizuno MFF900, and SKLZ Defender's Field Shield.

a. Evoshield Defender's Mask:



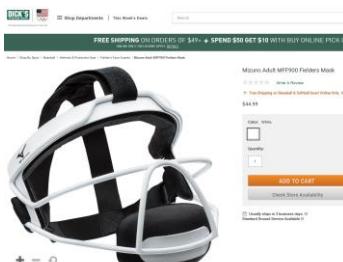
b. Markwort Game Face (version 1):



c. Markwort Game Face (version 2):



d. Mizuno MFF900:



e. SKLZ Defender's Field Shield:



20. Upon information and belief, Dick's Sporting Goods, Inc. sells other infringing face guards.

### **FIRST CAUSE OF ACTION**

#### **(Infringement of United States Patent No. 6,598,234)**

21. 13-31 Sport, LLC alleges and incorporates by reference the allegations in paragraphs 1 through 20, inclusive.

22. The '234 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

23. Under 35 U.S.C. § 271(a), Dick's Sporting Goods, Inc. is liable for direct infringement of at least one claim of the '234 Patent, including without limitation, claims 1, 2, 3, 4, 5, 6, 8, and 9, by having offered to sell, sold, and provided, infringing face guards including without limitation, Evoshield Defender's Mask, Markwort Game Face (2 versions), Mizuno MFF900, and SKLZ Defender's Field Shield.

24. Attached as Exhibit 3 is an exemplary claim chart comparing claims 1, 2, 3, 4, 5, 6, 8, 9 of the '234 Patent to Dick's Sporting Goods, Inc.'s infringing face guards listed herein. 13-31 Sport, LLC does not intend Exhibit 3 to be comprehensive or limiting and 13-31 Sport, LLC reserves its rights to pursue all available infringement arguments as this case progresses. Upon information and belief, other products provided by Dick's Sporting Goods, Inc. also infringe the '234 Patent.

25. As to the '234 Patent, Claim 1, for example, recites:

a. A face guard for protecting a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player, the face guard comprising:

- b. An open framework configured to prevent a baseball from contacting the player's face when the guard is donned;
- c. Said framework including a plurality of vertically spaced crossbars extending across the player's face when the guard is donned;
- d. Said framework further including a plurality of risers interconnecting the crossbars;
- e. Said framework defining an open section being positioned generally adjacent the player's generally horizontal line of sight when the guard is donned;
- f. Said open section being devoid of risers;
- g. A plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned;
- h. Compressible padding connected to the framework and configured to contact the player and thereby space the framework from the face when the guard is donned;
- i. Said padding presenting a brow pad and a chin pad;
- j. Said brow pad extending laterally across the face and configured to contact the brow of the player when the guard is donned;
- k. Said chin pad extending vertically across the face and configured to contact the chin of the player when the guard is donned;
- l. Said risers being free of said padding;
- m. Said plurality of straps including a securing strap being coupled relative to the chin pad and being configured to snugly enclose the crown of the player's head and

thereby secure the guard on the player's face once the guard is positioned on the player's face.

26. Regarding Claim 1, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with an open framework configured to prevent a baseball from contacting the player's face when the guard is donned.

27. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with said framework including a plurality of vertically spaced crossbars extending across the player's face when the guard is donned.

28. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with said framework further including a plurality of risers interconnecting the crossbars.

29. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with said framework defining an open section being positioned generally adjacent the player's generally horizontal line of sight when the guard is donned.

30. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with said open section being devoid of risers.

31. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with a plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned.

32. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with said open section being devoid of risers.

33. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with a plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned.

34. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with compressible padding connected to the framework and configured to contact the player and thereby space the framework from the face when the guard is donned.

35. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with said padding presenting a brow pad and a chin pad.

36. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with said brow pad extending laterally across the face and configured to contact the brow of the player when the guard is donned.

37. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with said chin pad extending vertically across the face and configured to contact the chin of the player when the guard is donned.

38. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with said risers being free of said padding.

39. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with said plurality of straps including a securing strap being coupled relative to the chin pad and being configured to snugly enclose the crown of the player's head and thereby secure the guard on the player's face once the guard is positioned on the player's face.

40. Therefore, all of the elements of at least Claim 1 of the '234 Patent are infringed by Dick's Sporting Goods, Inc.

41. 13-31 Sport, LLC has been damaged by the infringement of the '234 Patent by Dick's Sporting Goods, Inc. and will continue to be damaged by such infringement. 13-31 Sport, LLC is entitled to recover from Dick's Sporting Goods, Inc. the damages sustained by 13-31 Sport, LLC as a result of Dick's Sporting Goods, Inc.'s wrongful acts.

**SECOND CAUSE OF ACTION**

**(Infringement of United States Patent No. 6,499,139)**

42. 13-31 Sport, LLC alleges and incorporates by reference the allegations in paragraphs 1 through 41, inclusive.

43. The '139 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

44. Under 35 U.S.C. § 271(a), Dick's Sporting Goods, Inc. is liable for direct infringement of at least one claim of the '139 Patent, including without limitation, claims 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, by having offered to sell, sold, and provided, infringing face guards including without limitation, Evoshield Defender's Mask, Markwort Game Face (2 versions), Mizuno MFF900, and SKLZ Defender's Field Shield.

45. Attached as Exhibit 4 is an exemplary claim chart comparing claims 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13 of the '139 Patent to Dick's Sporting Goods, Inc.'s infringing face guards listed herein. 13-31 Sport, LLC does not intend Exhibit 4 to be comprehensive or limiting and 13-31 Sport, LLC reserves its rights to pursue all available infringement arguments as this case progresses. Upon information and belief, other products provided by Dick's Sporting Goods, Inc. also infringe the '139 Patent.

46. As to the '139 Patent, Claim 1, for example, recites:

- a. A face guard for protecting a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player, the face guard comprising:
  - b. An open framework configured to prevent a baseball from contacting the player's face when the guard is donned;
  - c. Said framework including a plurality of vertically spaced crossbars extending across the player's face when the guard is donned;
  - d. Said framework further including a plurality of risers interconnecting the crossbars;
  - e. Said framework being positioned, when the guard is donned, outside of the player's generally horizontal line of sight;
  - f. A plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned;
  - g. Compressible padding connected to the framework and configured to contact the player and thereby space the framework from the face when the guard is donned;
  - h. Said padding presenting a brow pad and a chin pad;
  - i. Said brow pad extending laterally across the face and configured to contact the brow of the player when the guard is donned;
  - j. Said chin pad extending vertically across the face and configured to contact the chin of the player when the guard is donned;
  - k. Said risers being free of said padding;

1. Said framework including a chin bar extending below the chin of the player when the guard is donned;
  - m. Said framework including a chin guard;
  - n. Said plurality of straps including a stretchable positioning strap and first and second adjustable securing straps.

47. Regarding Claim 1, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with an open framework configured to prevent a baseball from contacting the player's face when the guard is donned.

48. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with said framework including a plurality of vertically spaced crossbars extending across the player's face when the guard is donned.

49. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with said framework further including a plurality of risers interconnecting the crossbars.

50. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with said framework being positioned, when the guard is donned, outside of the player's generally horizontal line of sight.

51. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with a plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned.

52. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with compressible padding connected to the framework and configured to contact the player and thereby space the framework from the face when the guard is donned.

53. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with said padding presenting a brow pad and a chin pad.

54. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with said brow pad extending laterally across the face and configured to contact the brow of the player when the guard is donned.

55. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with said chin pad extending vertically across the face and configured to contact the chin of the player when the guard is donned.

56. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with said risers being free of said padding.

57. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with said framework including a chin bar extending below the chin of the player when the guard is donned.

58. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with said framework including a chin guard.

59. Upon information and belief, Dick's Sporting Goods, Inc. sells, sold, provides and provided a face guard with said plurality of straps including a stretchable positioning strap and first and second adjustable securing straps.

60. Therefore, all of the elements of at least Claim 1 of the '139 Patent are infringed by Dick's Sporting Goods, Inc.

61. 13-31 Sport, LLC has been damaged by the infringement of the '139 Patent by Dick's Sporting Goods, Inc. and will continue to be damaged by such infringement. 13-31 Sport, LLC is

entitled to recover from Dick's Sporting Goods, Inc. the damages sustained by 13-31 Sport, LLC as a result of Dick's Sporting Goods, Inc.'s wrongful acts.

**DEMAND FOR JURY TRIAL**

62. Under Federal Rule of Civil Procedure 38(b), 13-31 Sport, LLC demands a trial by jury of any issues triable by a jury.

**WHEREFORE**, 13-31 Sport, LLC prays for judgment against Dick's Sporting Goods, Inc.:

1. A judgment for 13-31 Sport, LLC that Dick's Sporting Goods, Inc. has infringed and continues to infringe one or more claims of the '234 Patent and/or the '139 Patent either literally and/or under the doctrine of equivalents;

2. An award of damages adequate to compensate 13-31 Sport, LLC for the infringement of the '234 & '139 Patents by Dick's Sporting Goods, Inc., including supplemental damages for any continuing post-verdict infringement up until entry of the final judgment, with an accounting, as needed, together with pre-judgment and post-judgment interest, in an amount according to proof;

3. An award of 13-31 Sport, LLC costs of suit and reasonable attorneys' fees under 35 U.S.C. § 285 due to the exceptional nature of this case, or as otherwise permitted by law regarding Dick's Sporting Goods, Inc.;

4. An award of costs and expenses to 13-31 Sport, LLC; and

5. A grant to 13-31 Sport, LLC of such other and further relief as the Court may deem just and proper.

**DATED:** March 7, 2018

Respectfully Submitted,

*/s/ Mark F. Underwood*  
Mark F. Underwood  
*Attorney in charge*  
UNDERWOOD LAW OFFICE  
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## **EXHIBIT 1**



US006598234B1

(12) **United States Patent**  
**Brown et al.**

(10) **Patent No.:** **US 6,598,234 B1**  
(45) **Date of Patent:** **\*Jul. 29, 2003**

(54) **FACE GUARD**

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(\*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

This patent is subject to a terminal disclaimer.

(21) Appl. No.: **10/064,875**

(22) Filed: **Aug. 26, 2002**

**Related U.S. Application Data**

(63) Continuation of application No. 09/683,485, filed on Jan. 7, 2002, now Pat. No. 6,499,139.

(51) **Int. Cl.<sup>7</sup>** ..... **A42B 1/00**

(52) **U.S. Cl.** ..... **2/9**

(58) **Field of Search** ..... **2/9, 424, 425, 2/421**

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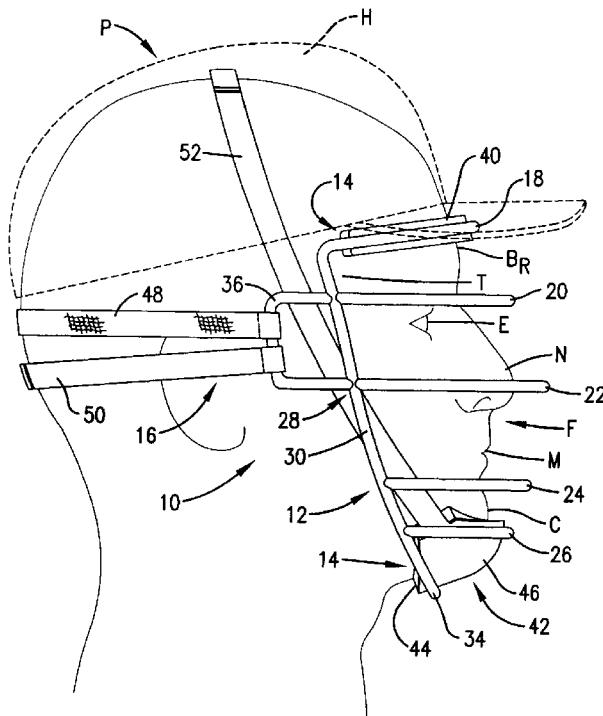
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(57) **ABSTRACT**

A face guard (10) configured for protecting the face (F) of a baseball player (P) from a baseball (B) when the guard (10) is donned by the player (P) is disclosed. The face guard (10) broadly includes an open framework (12), compressible padding (14) connected to the framework (12), and a strap assembly (16) coupled to the framework (12). The framework (12) is configured to prevent a baseball (B) from contacting the face (F) of the player (P) when the guard (10) is donned by the player (P) without restricting the player's generally horizontal line of sight. The compressible padding (14) is configured to contact the player (P) and thereby space the framework (12) from the face (F) when the guard (10) is donned. The strap assembly (16) is configured to both position and retain the framework (12) on the face (F) of the player (P) when the guard (10) is donned.

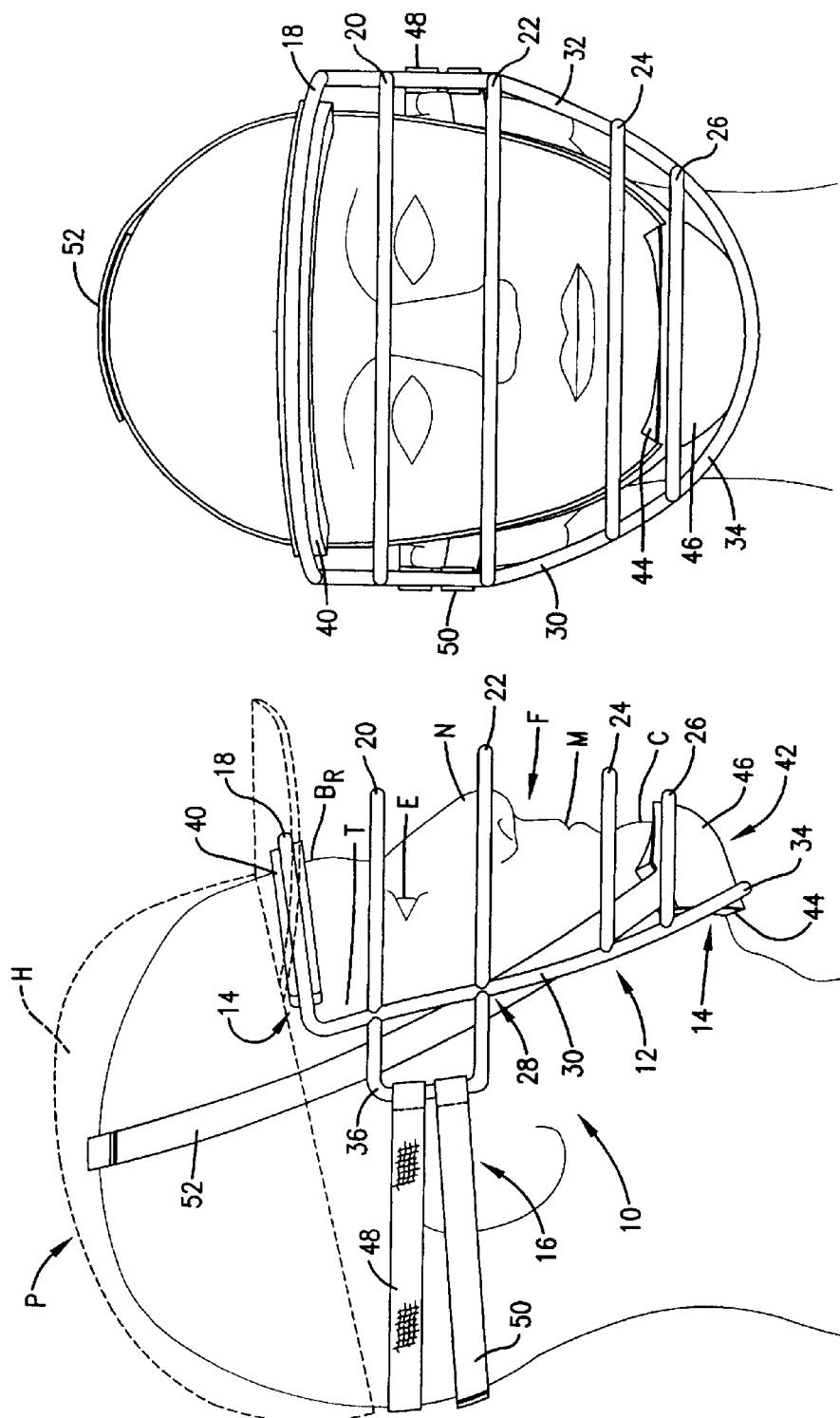
**15 Claims, 2 Drawing Sheets**

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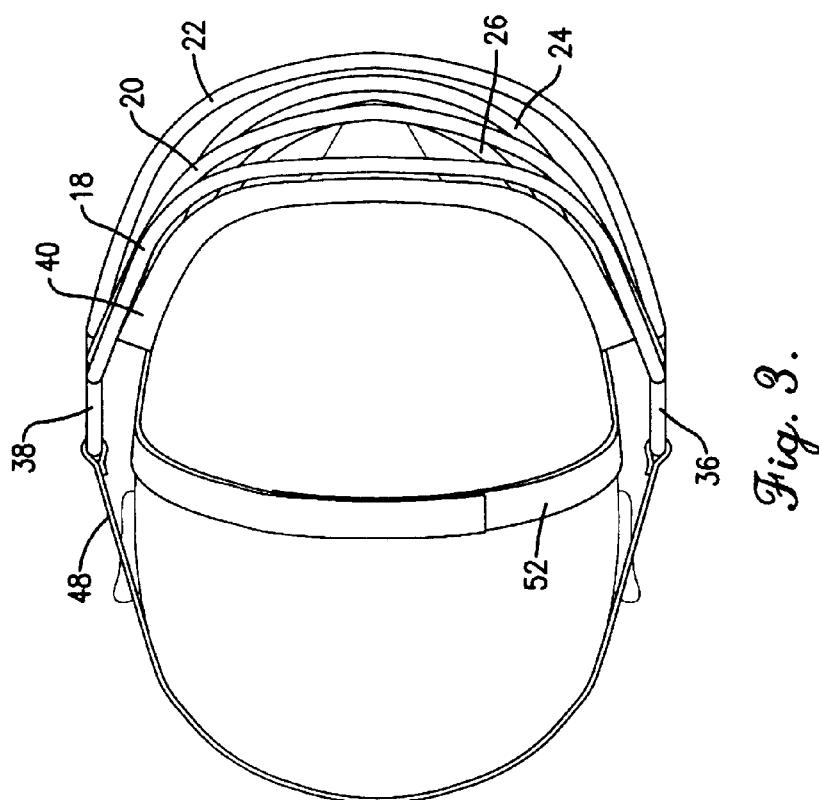
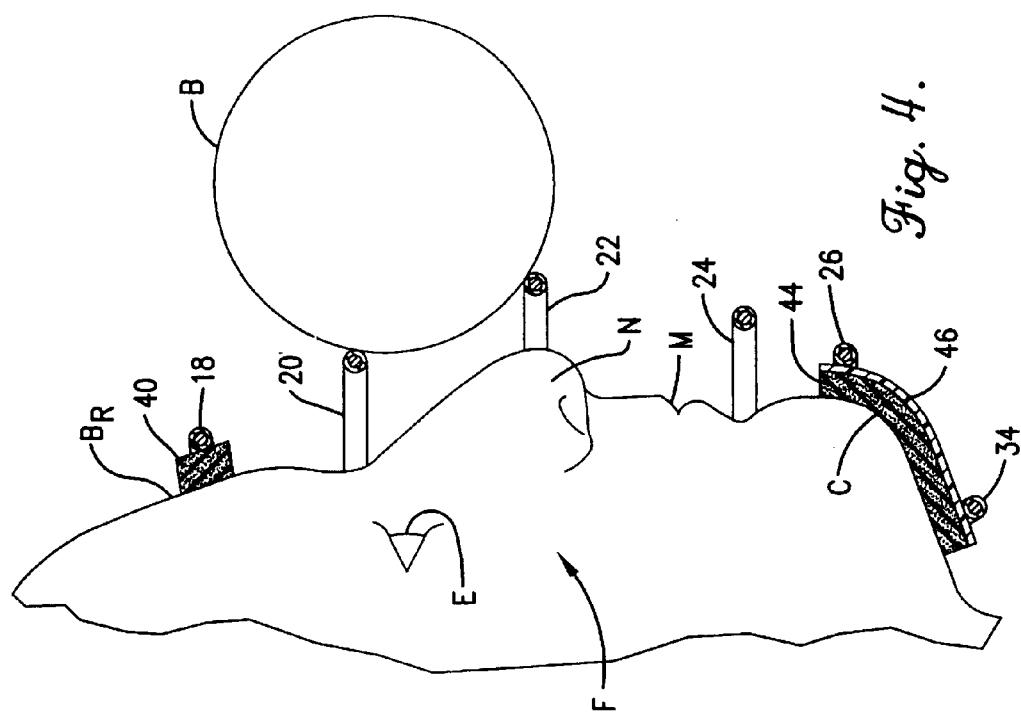


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**1**  
**FACE GUARD**

**CROSS REFERENCE TO RELATED  
APPLICATIONS**

This is a continuation of application Ser. No. 09/683,485 filed Jan. 7, 2002 now U.S. Pat. No. 6,499,139 which is hereby incorporated by reference herein.

**BACKGROUND OF INVENTION**

**1. Field of the Invention**

The present invention relates generally to equipment for protecting the face of the user. More specifically, the present invention concerns a face guard for protecting a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player.

**2. Discussion of Prior Art**

Baseball and softball players are at risk of being hit in the face by a moving ball. It is known in the art to protect the face of some ball players (e.g., catchers) with a face guard or mask. These catcher-type masks typically include significant padding and/or framing around the face of the user for protective purposes. As a result, catcher-type masks are bulky and tend to obstruct aspects of the player's vision. These limitations are undesirable for players other than the catcher (e.g., pitchers, infielders, etc.) and therefore catcher-type masks are problematic for their protection.

Infielder masks for ball players are known in the art and are typically less bulky than the catcher-type masks discussed above. However, these prior art infielder masks are problematic and have several limitations. For example, prior art infielder masks undesirably obstruct the player's horizontal line of sight, including the player's peripheral vision, either because the framing interferes with the player's vision when the mask is properly positioned or because the mask moves relative to the player's face during use. In addition, prior art infielder masks are uncomfortable and do not adequately protect the player's face. For example, prior art infielder masks cannot be sufficiently secured to the face to substantially absorb the impact forces of a ball engaging the mask and/or the masks are not sufficiently configured to adequately transfer the absorbed impact forces (e.g., the masks are not spaced from the face, the face is not insulated from the mask, etc.). Furthermore, prior art infielder masks are difficult to don, requiring the player to use both hands to position the mask on the face and hold it there while simultaneously adjusting the necessary straps to secure the mask to the face. These limitations are undesirable because they discourage ball players from wearing the masks thereby compromising the players' safety.

**SUMMARY OF INVENTION**

The present invention provides an improved face guard that does not suffer from the problems and limitations of prior art masks as set forth above. The inventive face guard provides effective yet comfortable protection for a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player. The inventive face guard can be easily and sufficiently secured to the player's face and once secured thereto remains adequately spaced and insulated from the face to substantially absorb impact forces of a ball engaging the guard without undesirably transferring the forces to protected features of the face.

A first aspect of the present invention concerns a face guard for protecting a baseball player's face from a baseball

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without restricting the player's generally horizontal line of sight when the guard is donned by the player. The inventive face guard broadly includes an open framework configured to prevent a baseball from contacting the player's face when the guard is donned, a plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned, and compressible padding connected to the framework and configured to contact the player and thereby space the framework from the face when the guard is donned. The framework includes a plurality of vertically spaced crossbars extending across the player's face when the guard is donned and a plurality of risers interconnecting the crossbars. The framework is positioned, when the guard is donned, outside of the player's generally horizontal line of sight. The padding presents a brow pad and a chin pad. The brow pad extends laterally across the face and is configured to contact the brow of the player when the guard is donned. The chin pad extends vertically along the face and is configured to contact the chin of the player when the guard is donned. The risers are free of the padding.

A second aspect of the present invention concerns a face guard for protecting a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player. The inventive face guard broadly includes an open framework configured to prevent a baseball from contacting the player's face when the guard is donned, a plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned, and compressible padding connected to the framework and configured to contact the player and thereby space the framework from the face when the guard is donned. The framework includes a plurality of vertically spaced crossbars extending across the player's face when the guard is donned and a plurality of risers interconnecting the crossbars. The framework is positioned, when the guard is donned, outside of the player's generally horizontal line of sight. The straps include a positioning strap and a securing strap. The positioning strap is continuous and stretchable and configured to extend around the player's head and thereby position the guard on the player's face when the guard is donned. The securing strap is adjustable and configured to snugly enclose the player's head and thereby secure the guard on the player's face once the guard is positioned on the player's face.

A third aspect of the present invention concerns a face guard for protecting a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player. The inventive face guard broadly includes an open framework configured to prevent a baseball from contacting the player's face when the guard is donned, a plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned, and compressible padding connected to the framework and configured to contact the player and thereby space the framework from the face when the guard is donned. The framework includes a plurality of vertically spaced crossbars extending across the player's face when the guard is donned and a plurality of risers interconnecting the crossbars. The framework is positioned, when the guard is donned, outside of the player's generally horizontal line of sight. The straps include a positioning strap and first and second securing straps. The positioning strap is continuous and stretchable. The first and second securing straps are adjustable. The first securing strap is configured to secure the guard on the player's face when the guard is donned so that movement of the guard

relative to the player's face in a first direction is substantially prevented. The second securing strap is configured to secure the guard on the player's face when the guard is donned so that movement of the guard relative to the player's face in a second direction is substantially prevented wherein the first and second directions are generally perpendicular to one another. The padding presents a brow pad and a chin pad. The brow pad extends laterally across the face and is configured to contact the brow of the player when the guard is donned. The chin pad extends vertically along the face and is configured to contact the chin of the player when the guard is donned.

A fourth aspect of the present invention concerns a method of protecting a baseball player's face from impact forces of a baseball without restricting the player's generally horizontal line of sight. The inventive method broadly includes the steps of positioning an open framework on the player's face so that a plurality of vertically spaced crossbars in the framework extend across the player's face outside of the player's generally horizontal line of sight; spacing the framework from the player's face with compressible padding so that the padding generally defines a first point of contact generally at the player's brow and a second point of contact generally at the player's chin; and securing the framework to the player's face so that impact forces of a baseball engaging the framework are substantially limited to the first and second points of contact.

Other aspects and advantages of the present invention will be apparent from the following detailed description of the preferred embodiment and the accompanying drawing figures.

#### BRIEF DESCRIPTION OF DRAWINGS

A preferred embodiment of the invention is described in detail below with reference to the attached drawing figures, wherein:

FIG. 1 is a side elevational view of a face guard constructed in accordance with a preferred embodiment of the present invention and shown donned by a baseball player also wearing a hat (shown in phantom);

FIG. 2 is a front elevational view of the face guard shown donned by a baseball player;

FIG. 3 is a top view of the face guard shown donned by a baseball player; and

FIG. 4 is an enlarged partial sectional view of the face guard shown donned by a baseball player and engaging a baseball with the player and ball shown schematically.

#### DETAILED DESCRIPTION

FIG. 1 illustrates a face guard 10 constructed in accordance with a preferred embodiment of the present invention and configured for protecting the face F of a baseball player P from a baseball B (see FIG. 4) when the guard 10 is donned by the player P. The facial area to be protected is illustrated in FIG. 4 and generally ranges vertically from the player's brow BR down to the chin C and ranges laterally between the temples T. This area incorporates, among other features, the eyes E, the nose N, and the mouth M. Although the illustrated player P is an adult male baseball player wearing a baseball hat H, the principles of the present invention equally apply to face guards that are sized for protecting the faces of virtually any type of player (e.g., cricket, softball, etc.) regardless of age, gender, attire, etc. The face guard 10 broadly includes an open framework 12, compressible padding 14 connected to the framework 12, and a strap assembly 16 coupled to the framework 12.

In more detail, the framework 12 is configured to prevent a baseball B from contacting the face F of the player P when the guard 10 is donned by the player P. In this regard, the framework 12 includes a plurality of vertically spaced crossbars 18, 20, 22, 24, and 26. The crossbars 18, 20, 22, 24, 26 each extend across the face F of the player P when the guard 10 is donned by the player P. As shown in FIG. 4, the crossbars 18, 20, 22, 24, 26 are each vertically spaced from an immediately adjacent crossbar in such a manner that when a baseball B engages the framework 12, the baseball B is prevented from contacting the face F of the player P. It is important, however, that the crossbars 18, 20, 22 located adjacent the eyes E of the player P be sufficiently spaced from each other so that the player's generally horizontal line of sight is not restricted when the guard 10 is donned by the player P. The player's horizontal line of sight includes the direct path of vision from the player's eyes E extending forward therefrom as well as the peripheral area of vision extending out to either side of the direct path of vision. It is important that the crossbars 18, 20, 22, 24, 26 be configured so that when the framework 12 is positioned on the face F of the player P, the crossbars 18, 20, 22, 24, 26 are located outside of the player's generally horizontal line of sight.

The framework 12 further includes a riser assembly 28 that interconnects the crossbars 18, 20, 22, 24, 26. The illustrated riser assembly 28 includes a pair of horizontally spaced riser sections 30 and 32 and a chin bar 34 interconnecting the pair of risers 30, 32 (see FIG. 2). The risers 30, 32 each generally extend vertically along the face F of the player P when the guard 10 is donned. The chin bar 34 is arcuate shaped and is configured to extend around and below the chin C of the player P when the guard 10 is donned. The riser assembly 28 is configured so that when the framework 12 is positioned on the face F of the player P, all of the components of the riser assembly 28 are located outside of the player's generally horizontal line of sight. Although the illustrated riser assembly 28 includes contiguous and continuous risers 30, 32 that are also contiguous and continuous with the chin bar 34, it is within the ambit of the present invention to utilize a plurality of separate riser components that are neither contiguous nor continuous with each other or with the chin bar. However, it is important that none of the utilized components of the riser assembly restrict the player's generally horizontal line of sight when the framework is positioned on the player's face.

The illustrated framework 12 also includes a pair of rearwardly extending strap couplings 36 and 38. As will be subsequently described in detail, the couplings 36, 38 are configured to facilitate coupling the strap assembly 16 to the framework 12. However, it is within the ambit of the present invention to utilize a framework design where the strap assembly is coupled directly to the riser assembly and/or the crossbars.

All of the above described components of the framework 12 are preferably formed of materials designed to be lightweight yet absorb the impact forces of ball in flight engaging the guard 10 to thereby lessen the impact of a ball striking the guard 10 while it is donned by the player P. For example, the framework 12 could be constructed of a high impact metal (e.g., steel or some other metal alloy) coated with an elastic substance (e.g., rubber, etc.). However, it is within the ambit of the present invention to utilize various alternative configurations, designs, materials, etc. for the framework so long as the framework prevents a baseball from contacting the player's face without restricting the player's generally horizontal line of sight. For example, the framework could utilize a transparent eye shield (e.g., formed from a synthetic polymer, etc.).

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The compressible padding 14 is connected to the framework 12 and is configured to contact the player P and thereby space the framework 12 from the face F when the guard 10 is donned. In particular, the illustrated padding 14 includes a brow pad 40 and a chin pad 42. The brow pad 40 extends laterally across the face F and is configured to contact the brow BR of the player P when the guard 10 is donned (see FIG. 3). In this regard, the brow pad 40 is coupled to the inside surface of the crossbar 18 (e.g., via an adhesive, etc.). The chin pad 42 extends vertically along the face F and is configured to contact the chin C of the player P when the guard 10 is donned (see FIG. 4). In this regard, the chin pad 42 is coupled between the inside surfaces of the crossbar 26 and the chin bar 34. In particular, the chin pad 42 includes a layer of padding 44 backed by a chin guard 46. The chin guard 46 is preferably formed from a durable, ball-deflecting material (e.g., a hard plastic, a metal alloy, etc.). The chin guard 46 is fixed to the crossbar 26 and/or the chin bar 34 in any suitable manner (e.g., pivotal sleeve fit, detented snap fit, an adhesive, welded, etc.).

In addition to spacing the framework 12 from the face F, the compressible padding 14 also serves to facilitate the comfort of wear of the guard 10 as well as enhancing the impact force-absorbing function of the guard 10. In this regard, the brow pad 40 and the layer of padding 44 of the chin pad 42 are preferably formed of a compressible material (e.g., foam rubber, etc.). The compressible padding 14 preferably defines only two points of contacts with the face F. These two points of contacts are preferably located on the face F at locations having bone support (e.g., brow, chin, etc.). In this manner, the impact forces of a baseball B engaging the framework 12 that are not absorbed by the framework 12 are transferred to the padding 14 at the two points of contact defined thereby. It is further important that the compressible padding 14 does not restrict the player's generally horizontal line of sight. In these regards, the illustrated risers 30,32 do not have any compressible padding 14 coupled thereto. It is within the ambit of the present invention to utilize various alternative configurations, designs, materials, etc. for the compressible padding so long as the compressible padding spaces the framework from the face and does not restrict the player's generally horizontal line of sight.

The strap assembly 16 is coupled to the framework 12 and is configured to position and retain the framework 12 on the face F of the player P when the guard 10 is donned. In particular, the illustrated strap assembly 16 includes a positioning strap 48, a securing strap 50 and an anchoring strap 52. The positioning strap 48 is fixed at each end to a respective strap coupling 36,38 (e.g., by stitching, etc.) (see FIGS. 1 and 3). The positioning strap 48 is continuous between its ends and stretchable (e.g., formed of an elastic-type material having elastomeric threading woven therein). The positioning strap 48 is configured to extend around the head of the player P and thereby position the guard 10 on the face F of the player P when the guard 10 is donned. When the guard 10 is donned by the player P, the positioning strap 48 holds the guard 10 in position without requiring the player P to steady and/or position the guard 10 with his hands. In this manner, the hands of the player P are free to adjust the remaining straps 50,52. The securing strap 50 is also fixed at its ends proximate the framework 12 to respective strap couplings 36,38. The securing strap 50, unlike the positioning strap 48, is adjustable. In this regard, the securing strap 50 includes a second set of ends distal to the framework 12 that are removably and adjustably connectable. In the illustrated guard 10, the distal ends of the

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securing strap 50 each include complementary portions of a hook and loop fastener (e.g., velcro, etc.), however, the distal ends could be joined by various adjustable methods known in the art (e.g., buckles, clamps, etc.). The securing strap 50, once adjusted, is configured to snugly enclose the head of the player P and thereby firmly secure the guard 10 on the face F of the player P once the guard 10 is positioned on the player P.

The anchoring strap 52, like the securing strap 50, is configured to firmly secure the guard 10 on the face F of the player P once the guard 10 is positioned on the player P. The anchoring strap 52 is fixed at its ends proximate the framework 12 to the chin guard 46. However, it is within the ambit of the present invention to utilize various alternative configurations for coupling the anchoring strap to the guard 10 (e.g., it could be coupled to the framework, etc.). The anchoring strap 52, like the securing strap 50, is adjustable. In this regard, the anchoring strap 52 includes a second set of ends distal to the framework 12 that are removably and adjustably connectable. In the illustrated guard 10, the distal ends of the anchoring strap 52 each include complementary portions of a hook and loop fastener (e.g., velcro, etc.), however, the distal ends could be joined by various adjustable methods known in the art (e.g., buckles, clamps, etc.). The illustrated anchoring strap 50, once adjusted, is configured to snugly enclose the crown of the head of the player P and thereby firmly secure the guard 10 on the face F of the player P once the guard 10 is positioned on the player P. The securing and anchoring straps 50,52 cooperate to substantially prevent the framework 12 from undesired movement relevant to the face F of the player P. In this regard, the securing strap 50 is configured to secure the guard 10 on the player's face F when the guard 10 is donned so that movement of the guard 10 away from the player's face F in a forward direction is substantially prevented. The anchoring strap 52 is configured to secure the guard 10 on the player's face F when the guard 10 is donned so that movement of the guard 10 along the player's face F in a downward direction is substantially prevented. The forward and downward directions are generally perpendicular to one another. It will be appreciated that the strap assembly 16 does not prevent all movement of the guard 10 relative to the face F. However, it is important that the strap assembly 16 maintain the framework 12 against the face F so that the compressible padding 14 remains in contact with the face F and that the framework 12 does not move into the player's generally horizontal line of sight.

The illustrated securing and anchoring straps 50,52 are formed from a nylon material that is preferably less stretchable than the positioning strap 48. However, it is within the ambit of the present invention to utilize various alternative configurations, designs, materials, etc. for the strap assembly 16. It is important that at least one of the straps is configured to quickly position the guard on the player without requiring the use of the player's hands to support and position the guard while adjusting this strap and that at least one additional strap be adjustable to firmly secure the guard on the player.

The preferred forms of the invention described above are to be used as illustration only, and should not be utilized in a limiting sense in interpreting the scope of the present invention. Obvious modifications to the exemplary embodiment, as hereinabove set forth, could be readily made by those skilled in the art without departing from the spirit of the present invention.

The inventors hereby state their intent to rely on the Doctrine of Equivalents to determine and assess the reason-

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ably fair scope of the present invention as pertains to any apparatus not materially departing from but outside the literal scope of the invention as set forth in the following claims.

What is claimed is:

1. A face guard for protecting a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player, the face guard comprising:

an open framework configured to prevent a baseball from 10 contacting the player's face when the guard is donned, said framework including a plurality of vertically spaced crossbars extending across the player's face when the guard is donned,

said framework further including a plurality of risers 15 interconnecting the crossbars,

said framework defining an open section being positioned generally adjacent the player's generally horizontal line of sight when the guard is donned,

said open section being devoid of risers; 20

a plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned; and

compressible padding connected to the framework and 25 configured to contact the player and thereby space the framework from the face when the guard is donned,

said padding presenting a brow pad and a chin pad,

said brow pad extending laterally across the face and 30 configured to contact the brow of the player when the guard is donned,

said chin pad extending vertically along the face and configured to contact the chin of the player when the guard is donned,

said risers being free of said padding; 35

said plurality of straps including a securing strap being coupled relative to the chin pad and being configured to snugly enclose the crown of the player's head and thereby secure the guard on the player's face once the guard is positioned on the player's face. 40

2. The face guard as claimed in claim 1, said framework including a chin bar extending below the chin of the player when the guard is donned.

3. The face guard as claimed in claim 2, each of said plurality of risers being contiguous with at least one other riser. 45

4. The face guard as claimed in claim 3, said plurality of risers being integrally formed.

5. The face guard as claimed in claim 4, said chin bar being integrally formed with said plurality of risers. 50

6. The face guard as claimed in claim 2, said framework including a chin guard.

7. The face guard as claimed in claim 6, said chin guard being coupled between the chin bar and the chin pad, said securing strap being coupled to said chin guard. 55

8. The face guard as claimed in claim 6, said securing strap being adjustable, said plurality of straps including a stretchable positioning strap and an additional adjustable securing strap.

9. The face guard as claimed in claim 8, said brow pad 60 being connected to one of said crossbars.

10. The face guard as claimed in claim 7, said chin pad being integrally formed with said chin guard.

11. A face guard for protecting a baseball player's face from a baseball without restricting the player's generally 65 horizontal line of sight when the guard is donned by the player, the face guard comprising:

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an open framework configured to prevent a baseball from contacting the player's face when the guard is donned, said framework including a plurality of vertically spaced crossbars extending across the player's face when the guard is donned,

said framework further including a plurality of risers interconnecting the crossbars,

said framework being positioned, when the guard is donned, outside of the player's generally horizontal line of sight;

a plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned,

said straps including a positioning strap and a securing strap,

said positioning strap being continuous and stretchable and configured to extend around the player's head and thereby position the guard on the player's face when the guard is donned,

said securing strap being adjustable and configured to snugly enclose the player's head and thereby secure the guard on the player's face once the guard is positioned on the player's face; and

compressible padding connected to the framework and configured to contact the player and thereby space the framework from the face when the guard is donned,

said framework including a chin bar extending below the chin of the player when the guard is donned,

said framework including a chin guard,

said compressible padding including a brow pad extending laterally across the face and configured to contact the brow of the player when the guard is donned,

said compressible padding further including a chin pad extending vertically along the face and configured to contact the chin of the player when the guard is donned, said chin pad being integrally formed with said chin guard,

said plurality of straps including an additional adjustable securing strap,

said additional securing strap being coupled to the chin guard and being configured to snugly enclose the crown of the player's head and thereby secure the guard on the player's face once the guard is positioned on the player's face.

12. The face guard as claimed in claim 11, said plurality of risers being free of said compressible padding.

13. A method of protecting a baseball player's face from impact forces of a baseball without restricting the player's generally horizontal line of sight, the method comprising the steps of:

(a) positioning an open framework on the player's face so that a plurality of vertically spaced crossbars in the framework define an open section extending across the player's face generally adjacent the player's generally horizontal line of sight so that the open section is devoid of crossbars;

(b) spacing the framework from the player's face with compressible padding so that the padding generally defines a first point of contact generally at the player's brow and a second point of contact generally at the player's chin; and

(c) securing the framework to the player's face so that impact forces of a baseball engaging the framework are substantially limited to the first and second points of contact,

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step (c) including the steps of coupling at least one chin strap relative to the padding adjacent the second point of contact and securing the at least one chin strap snugly around the crown of the player's head to thereby secure the framework on the player's face once the framework is positioned on the player's face.

**14.** The method as claimed in claim **13**, step (a) including the steps of coupling a securing strap, other than the chin strap, and an

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endless positioning strap, other than the chin strap, to the framework and placing the positioning strap around the head of the player to position the framework on the player's face.

**15.** The method as claimed in claim **14**, step (c) including the step of adjusting the securing strap around the head of the player to secure the framework to the player's face.

\* \* \* \* \*

## **EXHIBIT 2**



US006499139B1

(12) **United States Patent**  
**Brown et al.**

(10) **Patent No.:** **US 6,499,139 B1**  
(45) **Date of Patent:** **Dec. 31, 2002**

(54) **FACE GUARD**

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(73) Assignee: **13-31-Sport, Inc.**

(\*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **09/683,485**

(22) Filed: **Jan. 7, 2002**

(51) **Int. Cl.**<sup>7</sup> **A42B 1/00; A42B 7/00**

(52) **U.S. Cl.** **2/9; 2/421**

(58) **Field of Search** **2/9, 424, 425, 2/421**

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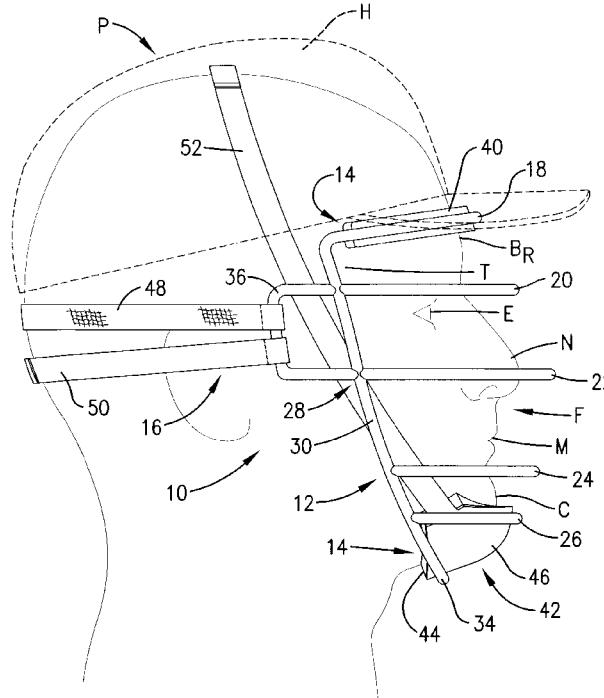
Primary Examiner—Rodney M. Lindsey

(74) Attorney, Agent, or Firm—Hovey Williams LLP

(57) **ABSTRACT**

A face guard (10) configured for protecting the face (F) of a baseball player (P) from a baseball (B) when the guard (10) is donned by the player (P) is disclosed. The face guard (10) broadly includes an open framework (12), compressible padding (14) connected to the framework (12), and a strap assembly (16) coupled to the framework (12). The framework (12) is configured to prevent a baseball (B) from contacting the face (F) of the player (P) when the guard (10) is donned by the player (P) without restricting the player's generally horizontal line of sight. The compressible padding (14) is configured to contact the player (P) and thereby space the framework (12) from the face (F) when the guard (10) is donned. The strap assembly (16) is configured to both position and retain the framework (12) on the face (F) of the player (P) when the guard (10) is donned.

**14 Claims, 2 Drawing Sheets**



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Sheet 1 of 2

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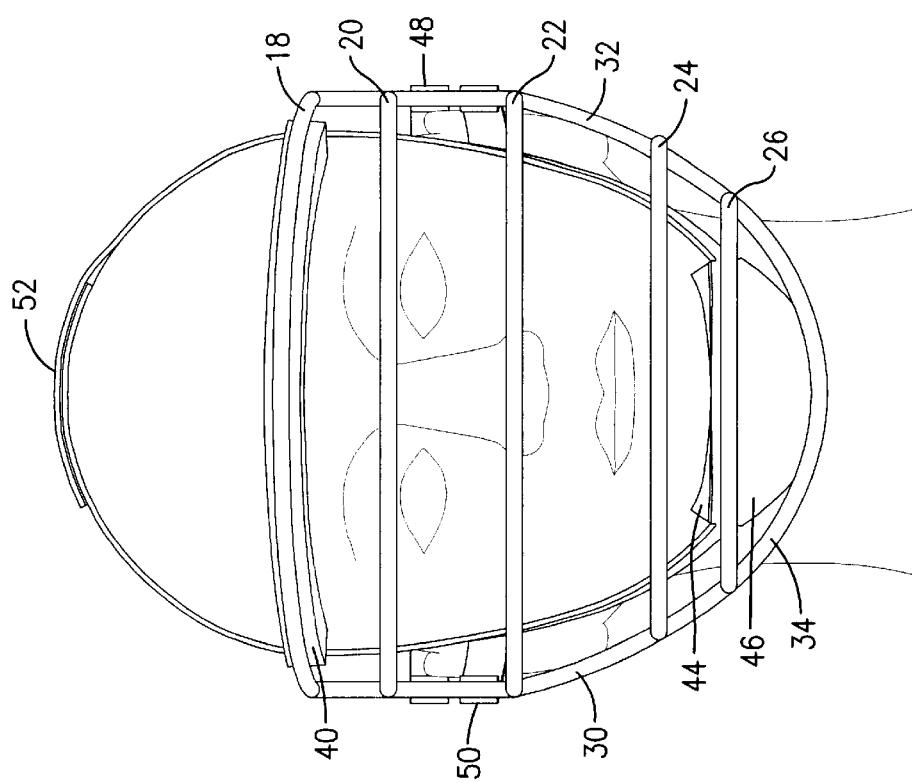


Fig. 2.

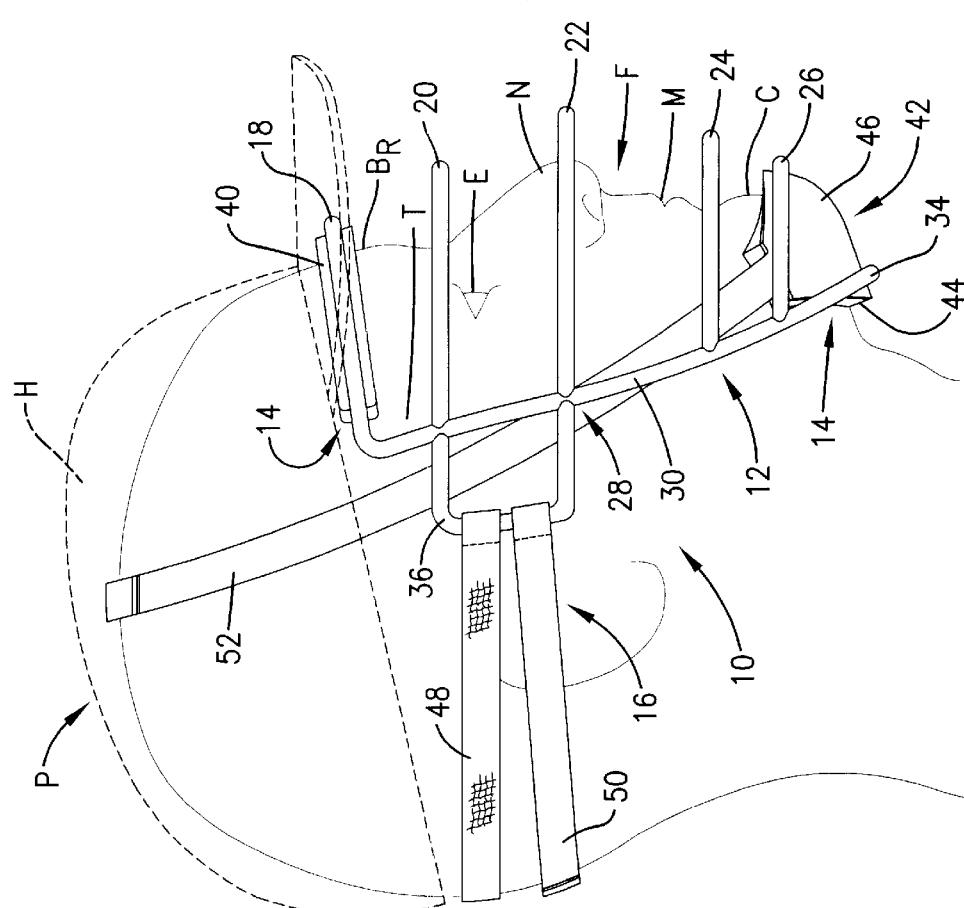


Fig. 1.

U.S. Patent

Dec. 31, 2002

Sheet 2 of 2

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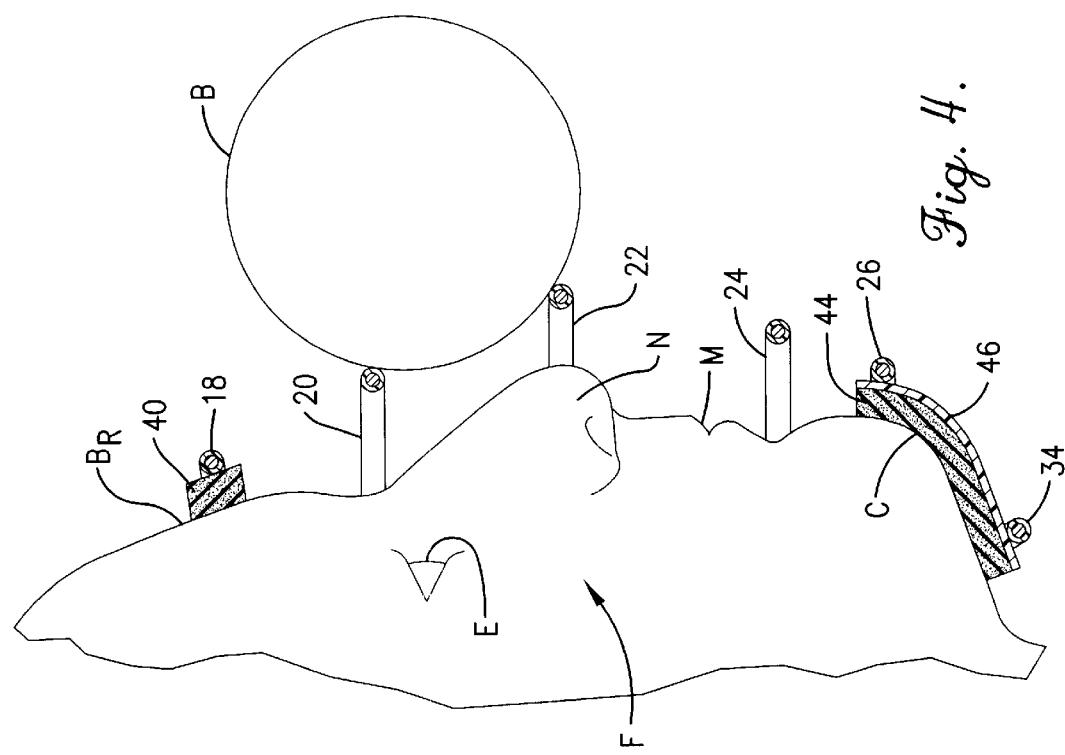


Fig. 4.

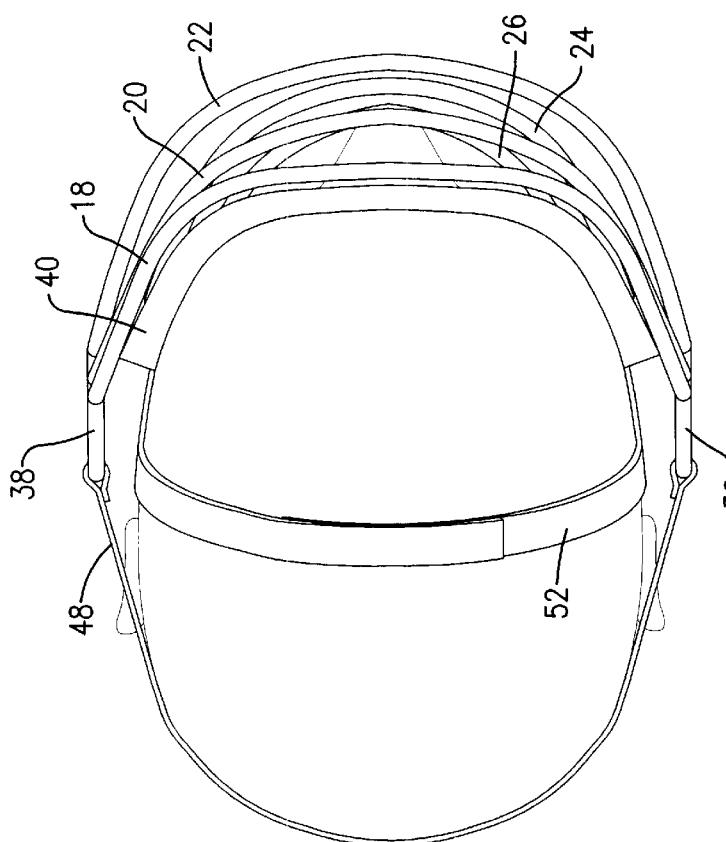


Fig. 3.

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**1**  
**FACE GUARD**

BACKGROUND OF INVENTION

1. Field of the Invention

The present invention relates generally to equipment for protecting the face of the user. More specifically, the present invention concerns a face guard for protecting a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player.

2. Discussion of Prior Art

Baseball and softball players are at risk of being hit in the face by a moving ball. It is known in the art to protect the face of some ball players (e.g., catchers) with a face guard or mask. These catcher-type masks typically include significant padding and/or framing around the face of the user for protective purposes. As a result, catcher-type masks are bulky and tend to obstruct aspects of the player's vision. These limitations are undesirable for players other than the catcher (e.g., pitchers, infielders, etc.) and therefore catcher-type masks are problematic for their protection.

Infielder masks for ball players are known in the art and are typically less bulky than the catcher-type masks discussed above. However, these prior art infielder masks are problematic and have several limitations. For example, prior art infielder masks undesirably obstruct the player's horizontal line of sight, including the player's peripheral vision, either because the framing interferes with the player's vision when the mask is properly positioned or because the mask moves relative to the player's face during use. In addition, prior art infielder masks are uncomfortable and do not adequately protect the player's face. For example, prior art infielder masks cannot be sufficiently secured to the face to substantially absorb the impact forces of a ball engaging the mask and/or the masks are not sufficiently configured to adequately transfer the absorbed impact forces (e.g., the masks are not spaced from the face, the face is not insulated from the mask, etc.). Furthermore, prior art infielder masks are difficult to don, requiring the player to use both hands to position the mask on the face and hold it there while simultaneously adjusting the necessary straps to secure the mask to the face. These limitations are undesirable because they discourage ball players from wearing the masks thereby compromising the players' safety.

SUMMARY OF INVENTION

The present invention provides an improved face guard that does not suffer from the problems and limitations of prior art masks as set forth above. The inventive face guard provides effective yet comfortable protection for a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player. The inventive face guard can be easily and sufficiently secured to the player's face and once secured thereto remains adequately spaced and insulated from the face to substantially absorb impact forces of a ball engaging the guard without undesirably transferring the forces to protected features of the face.

A first aspect of the present invention concerns a face guard for protecting a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player. The inventive face guard broadly includes an open framework configured to prevent a baseball from contacting the player's face when

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the guard is donned, a plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned, and compressible padding connected to the framework and configured to contact the player and thereby space the framework from the face when the guard is donned. The framework includes a plurality of vertically spaced crossbars extending across the player's face when the guard is donned and a plurality of risers interconnecting the crossbars. The framework is positioned, when the guard is donned, outside of the player's generally horizontal line of sight. The padding presents a brow pad and a chin pad. The brow pad extends laterally across the face and is configured to contact the brow of the player when the guard is donned. The chin pad extends vertically along the face and is configured to contact the chin of the player when the guard is donned. The risers are free of the padding.

A second aspect of the present invention concerns a face guard for protecting a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player. The inventive face guard broadly includes an open framework configured to prevent a baseball from contacting the player's face when the guard is donned, a plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned, and compressible padding connected to the framework and configured to contact the player and thereby space the framework from the face when the guard is donned. The framework includes a plurality of vertically spaced crossbars extending across the player's face when the guard is donned and a plurality of risers interconnecting the crossbars. The framework is positioned, when the guard is donned, outside of the player's generally horizontal line of sight. The straps include a positioning strap and a securing strap. The positioning strap is continuous and stretchable and configured to extend around the player's head and thereby position the guard on the player's face when the guard is donned. The securing strap is adjustable and configured to snugly enclose the player's head and thereby secure the guard on the player's face once the guard is positioned on the player's face.

A third aspect of the present invention concerns a face guard for protecting a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player. The inventive face guard broadly includes an open framework configured to prevent a baseball from contacting the player's face when the guard is donned, a plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned, and compressible padding connected to the framework and configured to contact the player and thereby space the framework from the face when the guard is donned. The framework includes a plurality of vertically spaced crossbars extending across the player's face when the guard is donned and a plurality of risers interconnecting the crossbars. The framework is positioned, when the guard is donned, outside of the player's generally horizontal line of sight. The straps include a positioning strap and first and second securing straps. The positioning strap is continuous and stretchable. The first and second securing straps are adjustable. The first securing strap is configured to secure the guard on the player's face when the guard is donned so that movement of the guard relative to the player's face in a first direction is substantially prevented. The second securing strap is configured to secure the guard on the player's face when the guard is donned so that movement of the guard relative to the player's face in

a second direction is substantially prevented wherein the first and second directions are generally perpendicular to one another. The padding presents a brow pad and a chin pad. The brow pad extends laterally across the face and is configured to contact the brow of the player when the guard is donned. The chin pad extends vertically along the face and is configured to contact the chin of the player when the guard is donned.

A fourth aspect of the present invention concerns a method of protecting a baseball player's face from impact forces of a baseball without restricting the player's generally horizontal line of sight. The inventive method broadly includes the steps of positioning an open framework on the player's face so that a plurality of vertically spaced crossbars in the framework extend across the player's face outside of the player's generally horizontal line of sight; spacing the framework from the player's face with compressible padding so that the padding generally defines a first point of contact generally at the player's brow and a second point of contact generally at the player's chin; and securing the framework to the player's face so that impact forces of a baseball engaging the framework are substantially limited to the first and second points of contact.

Other aspects and advantages of the present invention will be apparent from the following detailed description of the preferred embodiment and the accompanying drawing figures.

#### BRIEF DESCRIPTION OF DRAWINGS

A preferred embodiment of the invention is described in detail below with reference to the attached drawing figures, wherein:

FIG. 1 is a side elevational view of a face guard constructed in accordance with a preferred embodiment of the present invention and shown donned by a baseball player also wearing a hat (shown in phantom);

FIG. 2 is a front elevational view of the face guard shown donned by a baseball player;

FIG. 3 is a top view of the face guard shown donned by a baseball player; and

FIG. 4 is an enlarged partial sectional view of the face guard shown donned by a baseball player and engaging a baseball with the player and ball shown schematically.

#### DETAILED DESCRIPTION

FIG. 1 illustrates a face guard 10 constructed in accordance with a preferred embodiment of the present invention and configured for protecting the face F of a baseball player P from a baseball B (see FIG. 4) when the guard 10 is donned by the player P. The facial area to be protected is illustrated in FIG. 4 and generally ranges vertically from the player's brow BR down to the chin C and ranges laterally between the temples T. This area incorporates, among other features, the eyes E, the nose N, and the mouth M. Although the illustrated player P is an adult male baseball player wearing a baseball hat H, the principles of the present invention equally apply to face guards that are sized for protecting the faces of virtually any type of player (e.g., cricket, softball, etc.) regardless of age, gender, attire, etc. The face guard 10 broadly includes an open framework 12, compressible padding 14 connected to the framework 12, and a strap assembly 16 coupled to the framework 12.

In more detail, the framework 12 is configured to prevent a baseball B from contacting the face F of the player P when the guard 10 is donned by the player P. In this regard, the

framework 12 includes a plurality of vertically spaced crossbars 18, 20, 22, 24, and 26. The crossbars 18, 20, 22, 24, 26 each extend across the face F of the player P when the guard 10 is donned by the player P. As shown in FIG. 4, the crossbars 18, 20, 22, 24, 26 are each vertically spaced from an immediately adjacent crossbar in such a manner that when a baseball B engages the framework 12, the baseball B is prevented from contacting the face F of the player P. It is important, however, that the crossbars 18, 20, 22 located adjacent the eyes E of the player P be sufficiently spaced from each other so that the player's generally horizontal line of sight is not restricted when the guard 10 is donned by the player P. The player's horizontal line of sight includes the direct path of vision from the player's eyes E extending forward therefrom as well as the peripheral area of vision extending out to either side of the direct path of vision. It is important that the crossbars 18, 20, 22, 24, 26 be configured so that when the framework 12 is positioned on the face F of the player P, the crossbars 18, 20, 22, 24, 26 are located outside of the player's generally horizontal line of sight.

The framework 12 further includes a riser assembly 28 that interconnects the crossbars 18, 20, 22, 24, 26. The illustrated riser assembly 28 includes a pair of horizontally spaced riser sections 30 and 32 and a chin bar 34 interconnecting the pair of risers 30, 32 (see FIG. 2). The risers 30, 32 each generally extend vertically along the face F of the player P when the guard 10 is donned. The chin bar 34 is actuate shaped and is configured to extend around and below the chin C of the player P when the guard 10 is donned. The riser assembly 28 is configured so that when the framework 12 is positioned on the face F of the player P, all of the components of the riser assembly 28 are located outside of the player's generally horizontal line of sight. Although the illustrated riser assembly 28 includes contiguous and continuous risers 30, 32 that are also contiguous and continuous with the chin bar 34, it is within the ambit of the present invention to utilize a plurality of separate riser components that are neither contiguous nor continuous with each other or with the chin bar. However, it is important that none of the utilized components of the riser assembly restrict the player's generally horizontal line of sight when the framework is positioned on the player's face.

The illustrated framework 12 also includes a pair of rearwardly extending strap couplings 36 and 38. As will be subsequently described in detail, the couplings 36, 38 are configured to facilitate coupling the strap assembly 16 to the framework 12. However, it is within the ambit of the present invention to utilize a framework design where the strap assembly is coupled directly to the riser assembly and/or the crossbars.

All of the above described components of the framework 12 are preferably formed of materials designed to be lightweight yet absorb the impact forces of ball in flight engaging the guard 10 to thereby lessen the impact of a ball striking the guard 10 while it is donned by the player P. For example, the framework 12 could be constructed of a high impact metal (e.g., steel or some other metal alloy) coated with an elastic substance (e.g., rubber, etc.). However, it is within the ambit of the present invention to utilize various alternative configurations, designs, materials, etc. for the framework so long as the framework prevents a baseball from contacting the player's face without restricting the player's generally horizontal line of sight. For example, the framework could utilize a transparent eye shield (e.g., formed from a synthetic polymer, etc.).

The compressible padding 14 is connected to the framework 12 and is configured to contact the player P and thereby

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space the framework 12 from the face F when the guard 10 is donned. In particular, the illustrated padding 14 includes a brow pad 40 and a chin pad 42. The brow pad 40 extends laterally across the face F and is configured to contact the brow BR of the player P when the guard 10 is donned (see FIG. 3). In this regard, the brow pad 40 is coupled to the inside surface of the crossbar 18 (e.g., via an adhesive, etc.). The chin pad 42 extends vertically along the face F and is configured to contact the chin C of the player P when the guard 10 is donned (see FIG. 4). In this regard, the chin pad 42 is coupled between the inside surfaces of the crossbar 26 and the chin bar 34. In particular, the chin pad 42 includes a layer of padding 44 backed by a chin guard 46. The chin guard 46 is preferably formed from a durable, ball-deflecting material (e.g., a hard plastic, a metal alloy, etc.). The chin guard 46 is fixed to the crossbar 26 and/or the chin bar 34 in any suitable manner (e.g., pivotal sleeve fit, detented snap fit, an adhesive, etc.).

In addition to spacing the framework 12 from the face F, the compressible padding 14 also serves to facilitate the comfort of wear of the guard 10 as well as enhancing the impact force-absorbing function of the guard 10. In this regard, the brow pad 40 and the layer of padding 44 of the chin pad 42 are preferably formed of a compressible material (e.g., foam rubber, etc.). The compressible padding 14 preferably defines only two points of contacts with the face F. These two points of contacts are preferably located on the face F at locations having bone support (e.g., brow, chin, etc.). In this manner, the impact forces of a baseball B engaging the framework 12 that are not absorbed by the framework 12 are transferred to the padding 14 at the two points of contact defined thereby. It is further important that the compressible padding 14 does not restrict the player's generally horizontal line of sight. In these regards, the illustrated risers 30,32 do not have any compressible padding 14 coupled thereto. It is within the ambit of the present invention to utilize various alternative configurations, designs, materials, etc. for the compressible padding so long as the compressible padding spaces the framework from the face and does not restrict the player's generally horizontal line of sight.

The strap assembly 16 is coupled to the framework 12 and is configured to position and retain the framework 12 on the face F of the player P when the guard 10 is donned. In particular, the illustrated strap assembly 16 includes a positioning strap 48, a securing strap 50 and an anchoring strap 52. The positioning strap 48 is fixed at each end to a respective strap coupling 36,38 (e.g., by stitching, etc.) (see FIGS. 1 and 3). The positioning strap 48 is continuous between its ends and stretchable (e.g., formed of an elastic-type material having elastomeric threading woven therein). The positioning strap 48 is configured to extend around the head of the player P and thereby position the guard 10 on the face F of the player P when the guard 10 is donned. When the guard 10 is donned by the player P, the positioning strap 48 holds the guard 10 in position without requiring the player P to steady and/or position the guard 10 with his hands. In this manner, the hands of the player P are free to adjust the remaining straps 50,52. The securing strap 50 is also fixed at its ends proximate the framework 12 to respective strap couplings 36,38. The securing strap 50, unlike the positioning strap 48, is adjustable. In this regard, the securing strap 50 includes a second set of ends distal to the framework 12 that are removably and adjustably connectable. In the illustrated guard 10, the distal ends of the securing strap 50 each include complementary portions of a hook and loop fastener (e.g., velcro, etc.), however, the distal

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ends could be joined by various adjustable methods known in the art (e.g., buckles, clamps, etc.). The securing strap 50, once adjusted, is configured to snugly enclose the head of the player P and thereby firmly secure the guard 10 on the face F of the player P once the guard 10 is positioned on the player P.

The anchoring strap 52, like the securing strap 50, is configured to firmly secure the guard 10 on the face F of the player P once the guard 10 is positioned on the player P. The anchoring strap 52 is fixed at its ends proximate the framework 12 to the chin guard 46. However, it is within the ambit of the present invention to utilize various alternative configurations for coupling the anchoring strap to the guard 10 (e.g., it could be coupled to the framework, etc.). The anchoring strap 52, like the securing strap 50, is adjustable. In this regard, the anchoring strap 52 includes a second set of ends distal to the framework 12 that are removably and adjustably connectable. In the illustrated guard 10, the distal ends of the anchoring strap 52 each include complementary portions of a hook and loop fastener (e.g., velcro, etc.), however, the distal ends could be joined by various adjustable methods known in the art (e.g., buckles, clamps, etc.). The illustrated anchoring strap 50, once adjusted, is configured to snugly enclose the crown of the head of the player P and thereby firmly secure the guard 10 on the face F of the player P once the guard 10 is positioned on the player P. The securing and anchoring straps 50,52 cooperate to substantially prevent the framework 12 from undesired movement relevant to the face F of the player P. In this regard, the securing strap 50 is configured to secure the guard 10 on the player's face F when the guard 10 is donned so that movement of the guard 10 away from the player's face F in a forward direction is substantially prevented. The anchoring strap 52 is configured to secure the guard 10 on the player's face F when the guard 10 is donned so that movement of the guard 10 along the player's face F in a downward direction is substantially prevented. The forward and downward directions are generally perpendicular to one another. It will be appreciated that the strap assembly 16 does not prevent all movement of the guard 10 relative to the face F. However, it is important that the strap assembly 16 maintain the framework 12 against the face F so that the compressible padding 14 remains in contact with the face F and that the framework 12 does not move into the player's generally horizontal line of sight.

The illustrated securing and anchoring straps 50,52 are formed from a nylon material that is preferably less stretchable than the positioning strap 48. However, it is within the ambit of the present invention to utilize various alternative configurations, designs, materials, etc. for the strap assembly 16. It is important that at least one of the straps is configured to quickly position the guard on the player without requiring the use of the player's hands to support and position the guard while adjusting this strap and that at least one additional strap be adjustable to firmly secure the guard on the player.

The preferred forms of the invention described above are to be used as illustration only, and should not be utilized in a limiting sense in interpreting the scope of the present invention. Obvious modifications to the exemplary embodiment, as hereinabove set forth, could be readily made by those skilled in the art without departing from the spirit of the present invention.

The inventors hereby state their intent to rely on the Doctrine of Equivalents to determine and assess the reasonably fair scope of the present invention as pertains to any apparatus not materially departing from but outside the literal scope of the invention as set forth in the following claims.

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What is claimed is:

1. A face guard for protecting a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player, the face guard comprising:

an open framework configured to prevent a baseball from contacting the player's face when the guard is donned, said framework including a plurality of vertically spaced crossbars extending across the player's face when the guard is donned,

said framework further including a plurality of risers interconnecting the crossbars,

said framework being positioned, when the guard is donned, outside of the player's generally horizontal line of sight;

a plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned; and

compressible padding connected to the framework and configured to contact the player and thereby space the framework from the face when the guard is donned,

said padding presenting a brow pad and a chin pad,

said brow pad extending laterally across the face and configured to contact the brow of the player when the guard is donned,

said chin pad extending vertically along the face and configured to contact the chin of the player when the guard is donned,

said risers being free of said padding,

said framework including a chin bar extending below the chin of the player when the guard is donned,

said framework including a chin guard,

said plurality of straps including a stretchable positioning strap and first and second adjustable securing straps.

2. The face guard as claimed in claim 1, said chin guard being coupled between the chin bar and the chin pad.

3. The face guard as claimed in claim 1, each of said plurality of risers being contiguous with at least one other riser.

4. The face guard as claimed in claim 3,

said plurality of risers being integrally formed.

5. The face guard as claimed in claim 4,

said chin bar being integrally formed with said plurality of risers.

6. The face guard as claimed in claim 1,

said brow pad being connected to one of said crossbars.

7. A face guard for protecting a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player, the face guard comprising:

an open framework configured to prevent a baseball from contacting the player's face when the guard is donned,

said framework including a plurality of vertically spaced crossbars extending across the player's face when the guard is donned,

said framework further including a plurality of risers interconnecting the crossbars,

said framework being positioned, when the guard is donned, outside of the player's generally horizontal line of sight;

a plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned,

said straps including a positioning strap and a first securing strap, said positioning strap being continuous and stretchable, said first securing strap being adjustable;

compressible padding connected to the framework and configured to contact the player and thereby space the framework from the face when the guard is donned,

said padding presenting a brow pad and a chin pad, said brow pad extending laterally across the face and configured to contact the brow of the player when the guard is donned,

said chin pad extending vertically along the face and configured to contact the chin of the player when the guard is donned,

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said straps including a positioning strap and a securing strap,

said positioning strap being continuous and stretchable and configured to extend around the player's head and thereby position the guard on the player's face when the guard is donned,

said securing strap being adjustable and configured to snugly enclose the player's head and thereby secure the guard on the player's face once the guard is positioned on the player's face; and

compressible padding connected to the framework and configured to contact the player and thereby space the framework from the face when the guard is donned,

said framework including a chin bar extending below the chin of the player when the guard is donned,

said framework including a chin guard,

said compressible padding including a brow pad extending laterally across the face and configured to contact the brow of the player when the guard is donned,

said compressible padding further including a chin pad extending vertically along the face and configured to contact the chin of the player when the guard is donned,

said chin pad being integrally formed with said chin guard,

said plurality of straps including an additional adjustable securing strap.

8. The face guard as claimed in claim 7,

said additional securing strap being coupled to the chin guard and being configured to snugly enclose the crown of the player's head and thereby secure the guard on the player's face once the guard is positioned on the player's face.

9. The face guard as claimed in claim 8,

said plurality of risers being free of said compressible padding.

10. A face guard for protecting a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player, the face guard comprising:

an open framework configured to prevent a baseball from contacting the player's face when the guard is donned,

said framework including a plurality of vertically spaced crossbars extending across the player's face when the guard is donned,

said framework further including a plurality of risers interconnecting the crossbars,

said framework being positioned, when the guard is donned, outside of the player's generally horizontal line of sight;

a plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned,

said straps including a positioning strap and a first securing strap, said positioning strap being continuous and stretchable, said first securing strap being adjustable;

compressible padding connected to the framework and configured to contact the player and thereby space the framework from the face when the guard is donned,

said padding presenting a brow pad and a chin pad, said brow pad extending laterally across the face and configured to contact the brow of the player when the guard is donned,

said chin pad extending vertically along the face and configured to contact the chin of the player when the guard is donned,

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said plurality of straps including a second securing strap being adjustable, said first securing strap being configured to secure the guard on the player's face when the guard is donned so that movement of the guard relative to the player's face in a first direction is substantially prevented,

said second securing strap being configured to secure the guard on the player's face when the guard is donned so that movement of the guard relative to the player's face in a second direction is substantially prevented wherein the first and second directions are generally perpendicular to one another.

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11. The face guard as claimed in claim **10**, said plurality of risers being free of said compressible padding.

12. The face guard as claimed in claim **11**, said framework including a chin bar extending below the chin of the player when the guard is donned.

13. The face guard as claimed in claim **12**, said framework including a chin guard coupled between the chin pad and the chin bar.

14. The face guard as claimed in claim **13**, said second securing strap being coupled to the chin guard.

\* \* \* \* \*

## **EXHIBIT 3**

# 13-31 Sport, LLC v. Dick's Sporting Goods, Inc.

U.S. Patent No. 6,598,234

**Product: SKLZ Defender's Field Shield**

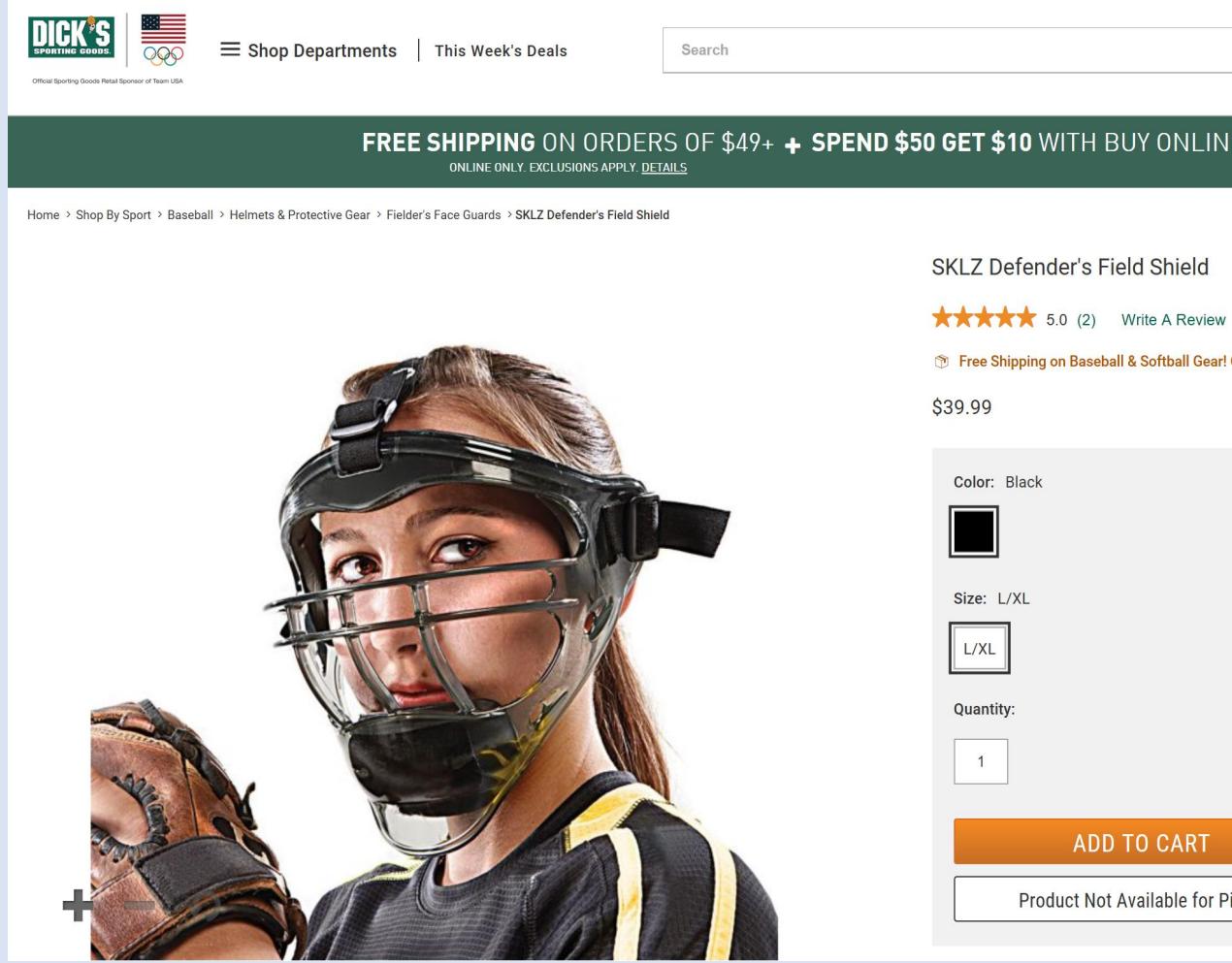
**Claim 1**

What is claimed is:

A face guard for protecting a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player, the face guard comprising:

**U.S. Patent No. 6,598,234, Product: SKLZ Defender's Field Shield**

Defendant sells a face guard for protecting a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player,



**Claim 1**

An open framework configured to prevent a baseball from contacting the player's face when the guard is donned,

**U.S. Patent No. 6,598,234**

Defendant sells an open framework configured to prevent a baseball from contacting the player's face when the guard is donned,

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**SKLZ Defender's Field Shield**

 5.0 (2) [Write A Review](#)

 [Free Shipping on Baseball & Softball Gear!](#)

\$39.99

Color:  Black

Size:  L/XL

Quantity:

**ADD TO CART**

Product Not Available for Pickup

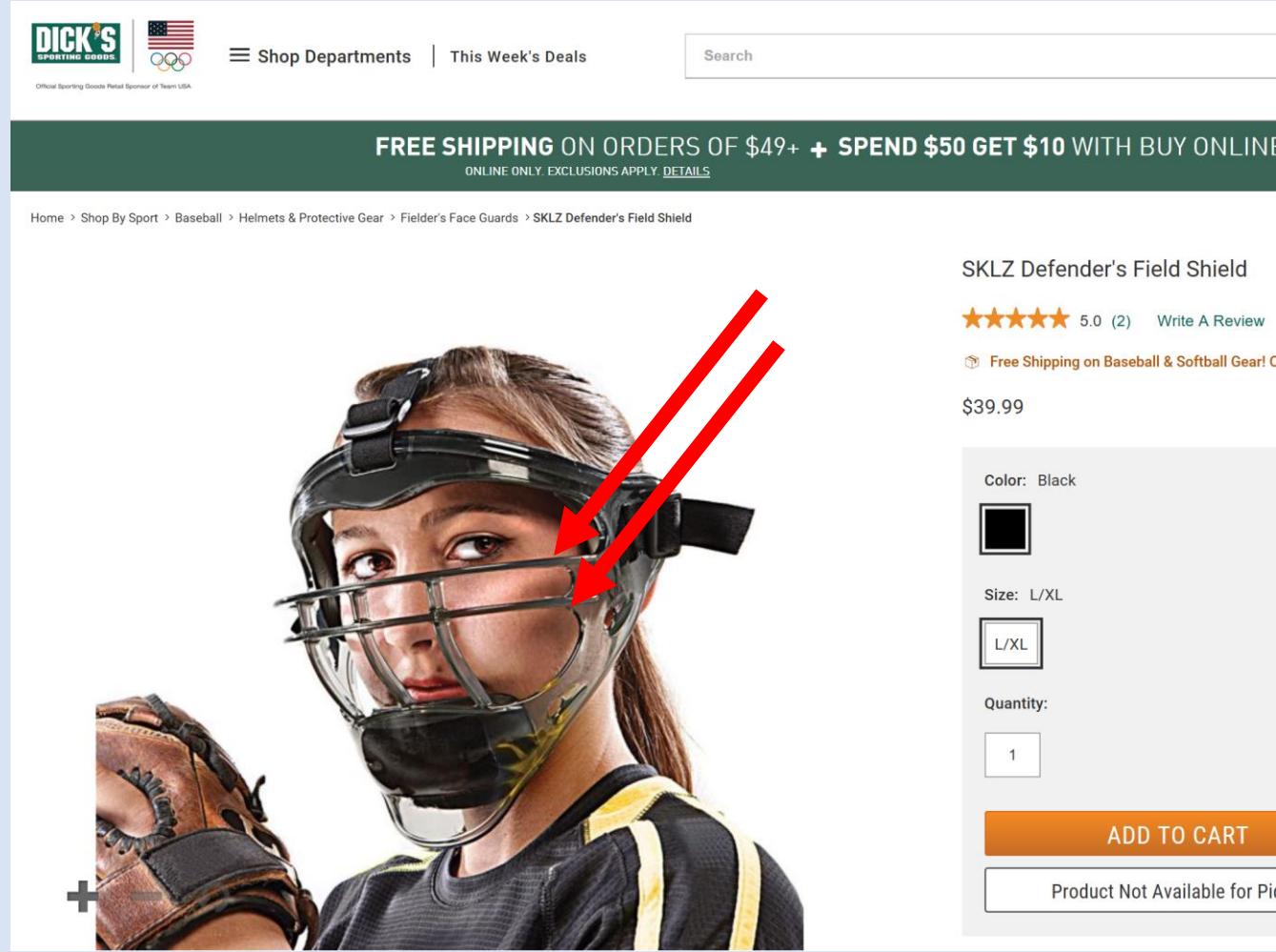


**Claim 1**

Said framework including a plurality of vertically spaced crossbars extending across the player's face when the guard is donned,

**U.S. Patent No. 6,598,234**

Defendant sells said framework including a plurality of vertically spaced crossbars extending across the player's face when the guard is donned,

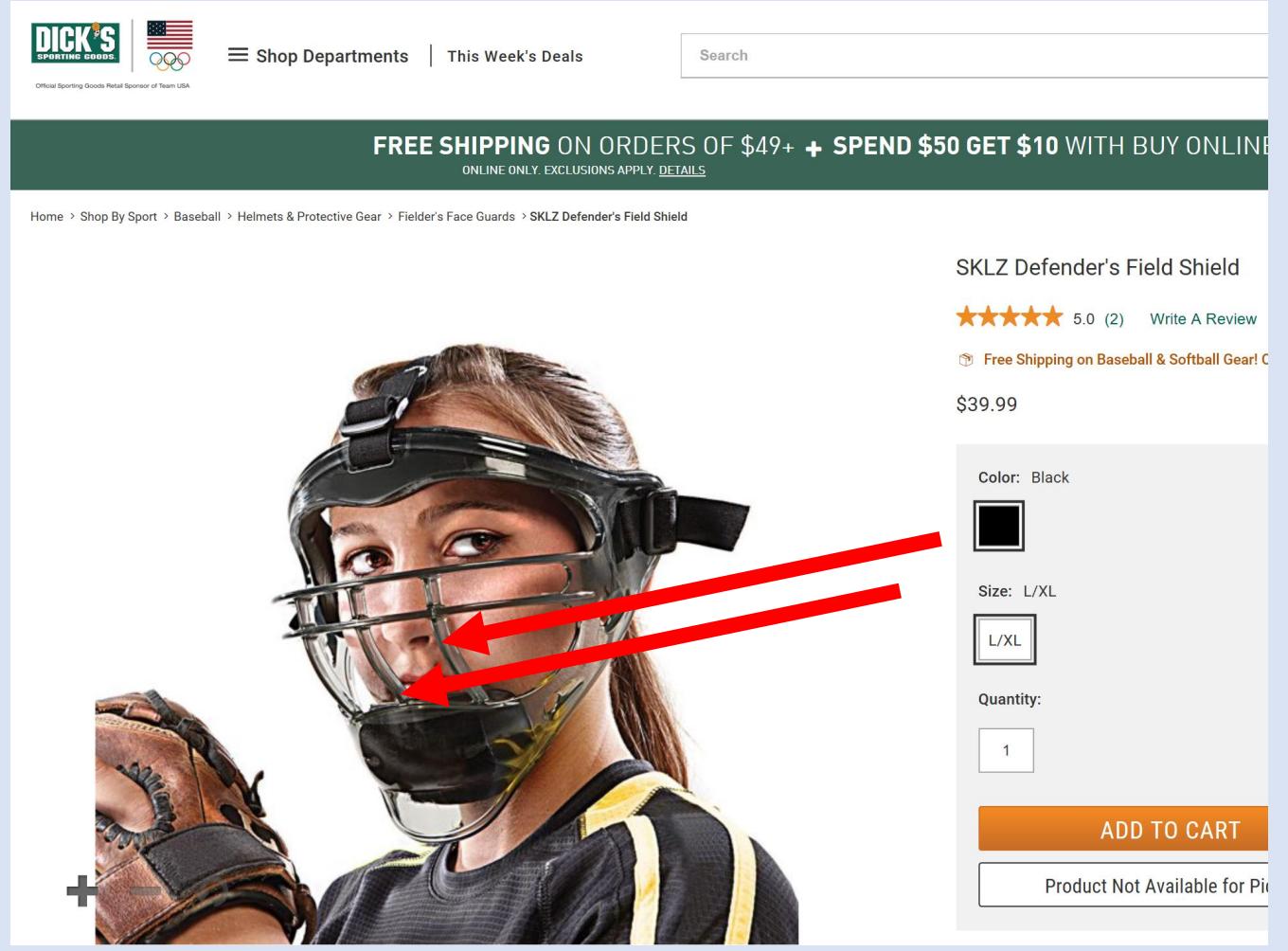


**Claim 1**

Said framework further including a plurality of risers interconnecting the crossbars,

**U.S. Patent No. 6,598,234**

Defendant sells said framework further including a plurality of risers interconnecting the crossbars,

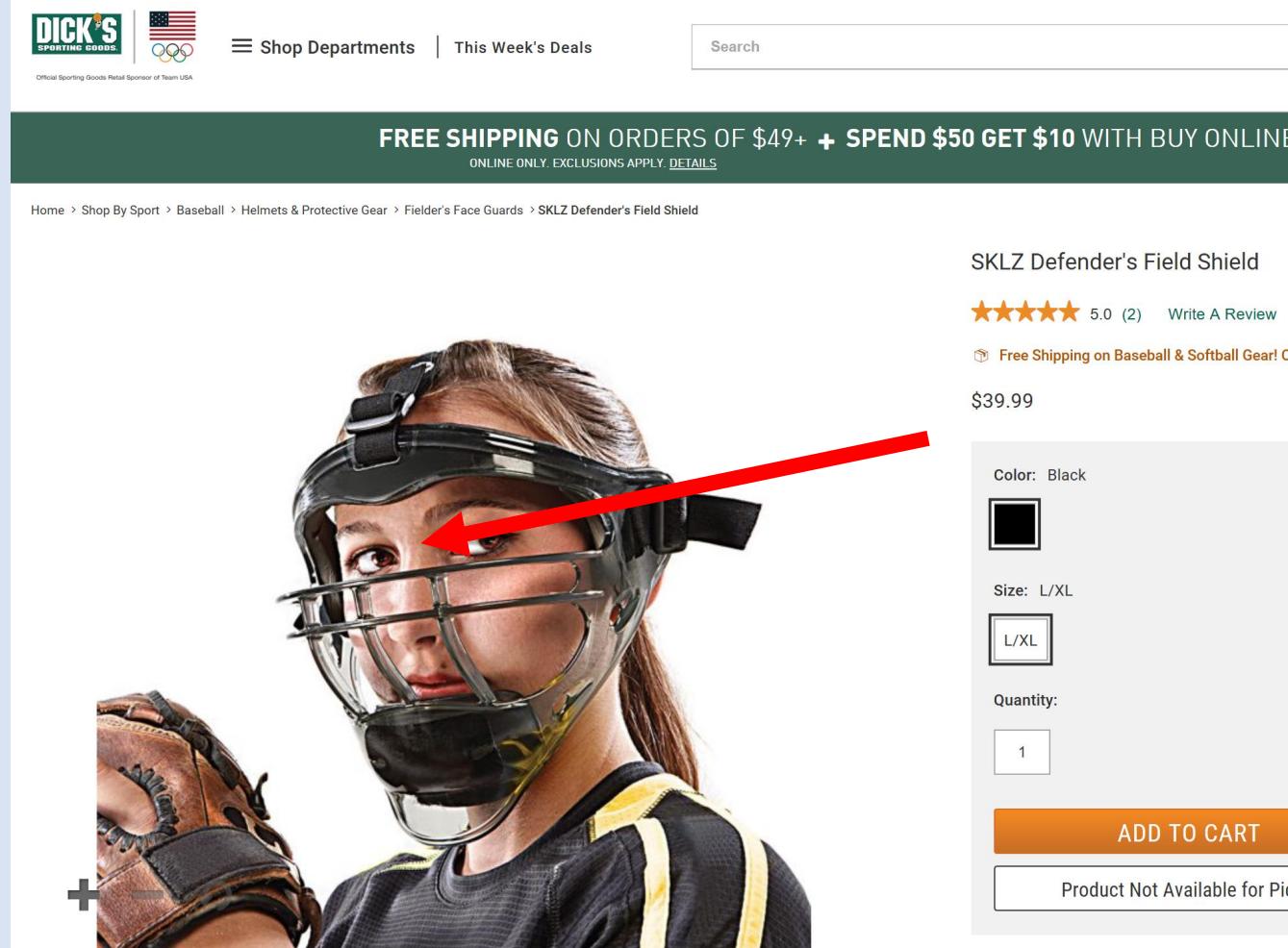


**Claim 1**

Said framework defining an open section being positioned generally adjacent the player's generally horizontal line of sight when the guard is donned,

**U.S. Patent No. 6,598,234**

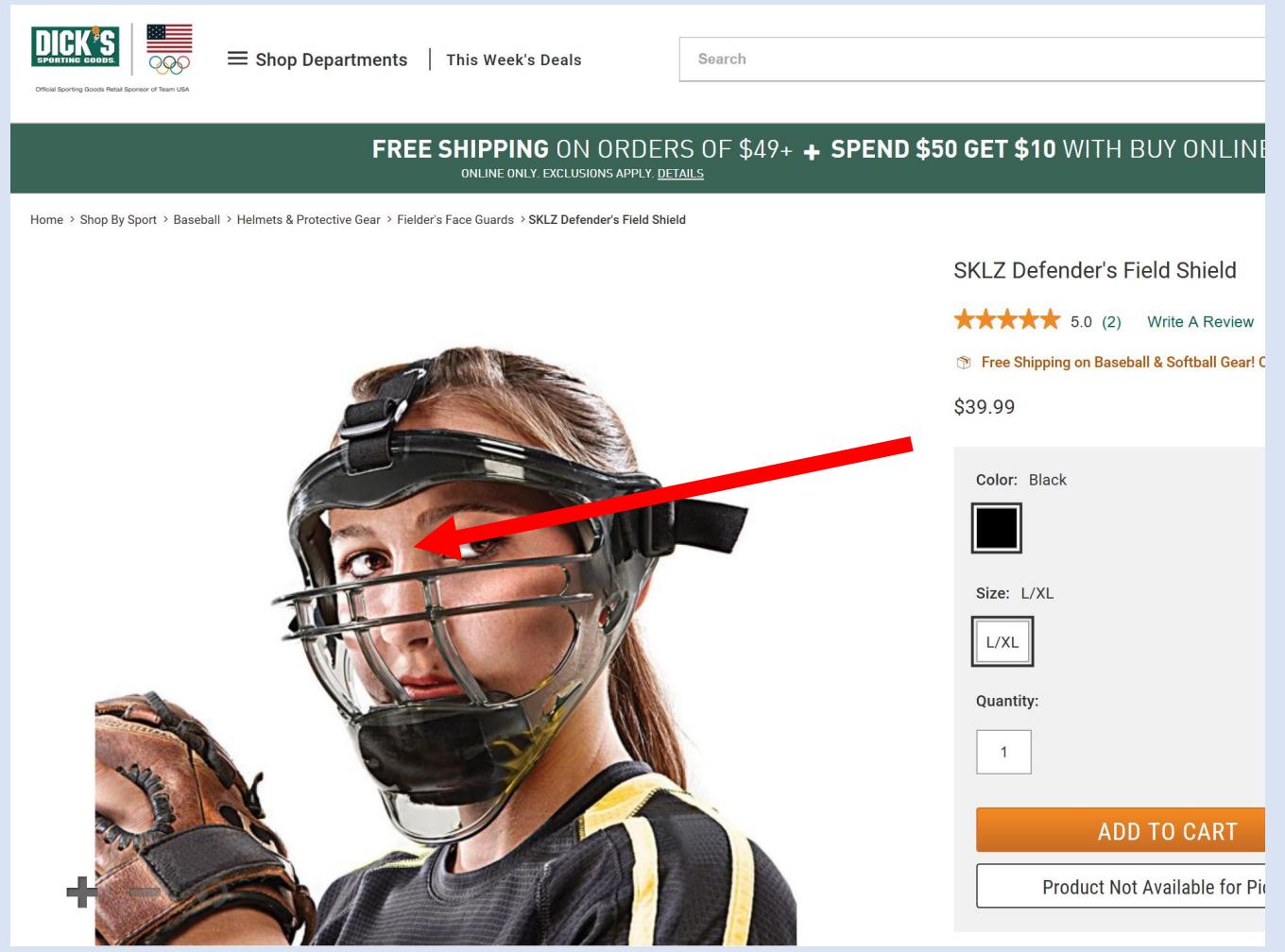
Defendant sells said face guard with said framework defining an open section being positioned generally adjacent the player's generally horizontal line of sight when the guard is donned,



**Claim 1****U.S. Patent No. 6,598,234**

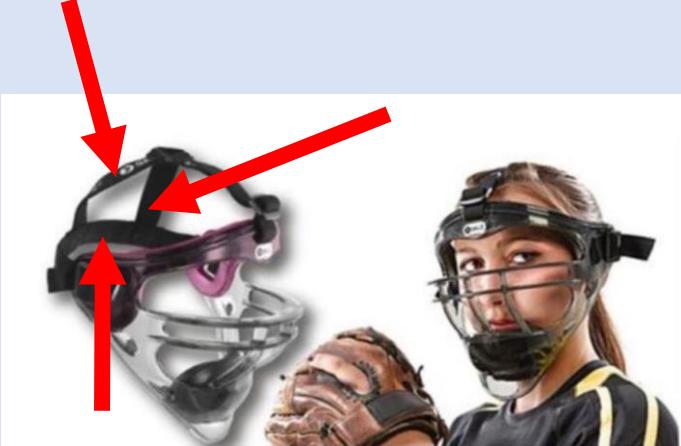
Said open section being devoid of risers

Defendant sells said face guard with said open section being devoid of risers

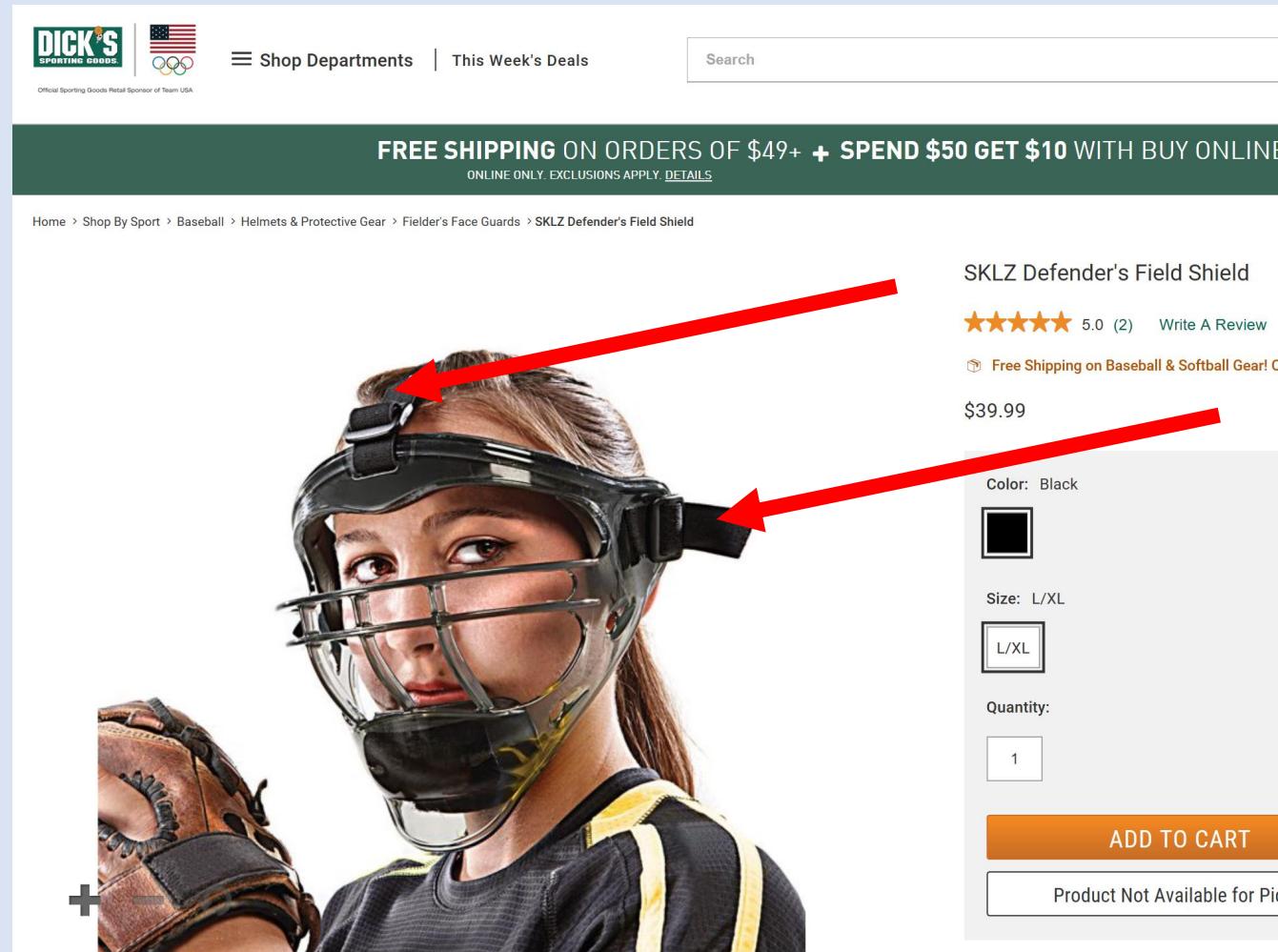


**Claim 1**

A plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned and

**U.S. Patent No. 6,598,234**

Defendant sells said face guard with a plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned and

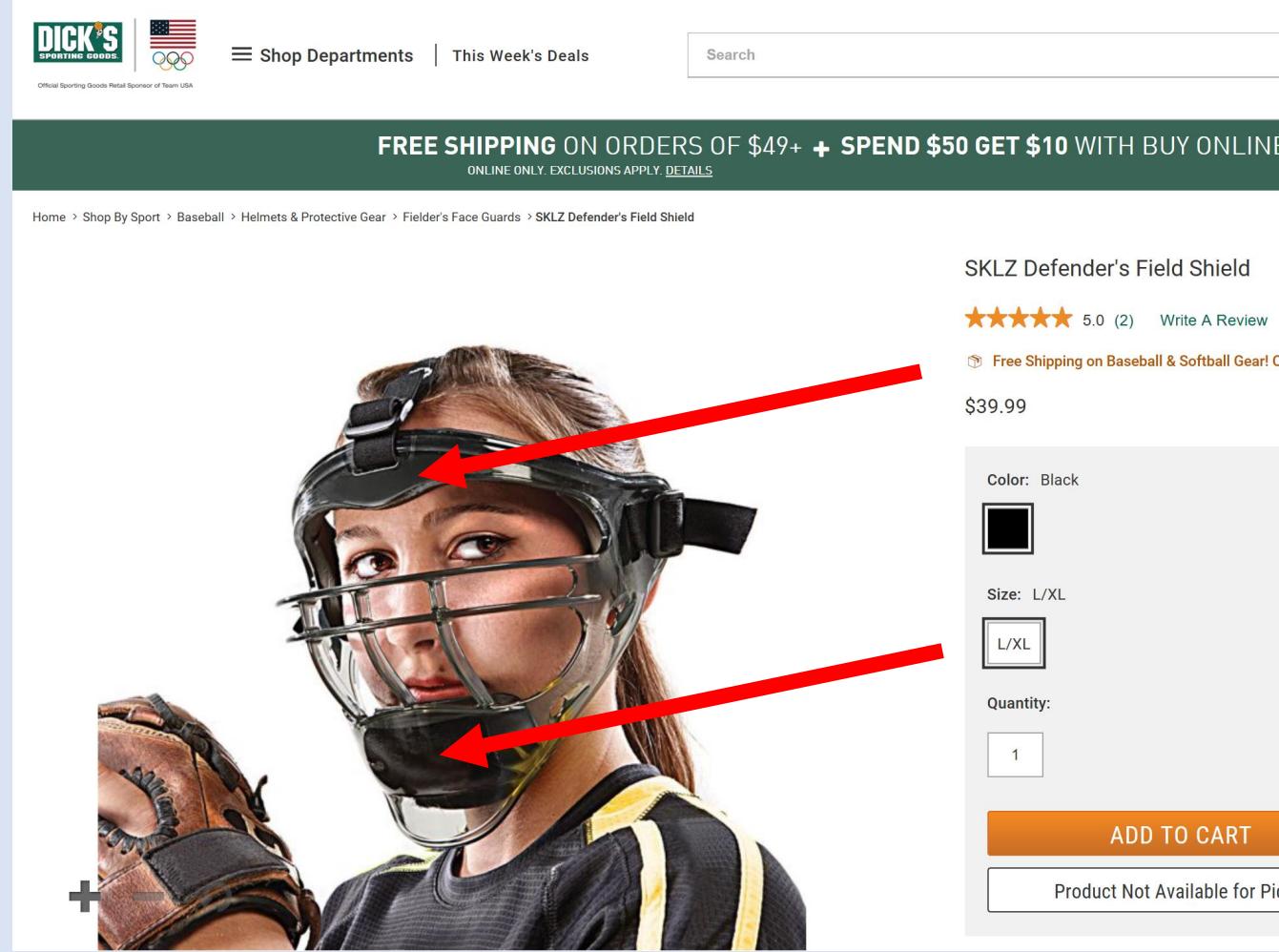


**Claim 1**

Compressible padding connected to the framework and configured to contact the player and thereby space the framework from the face when the guard is donned

**U.S. Patent No. 6,598,234**

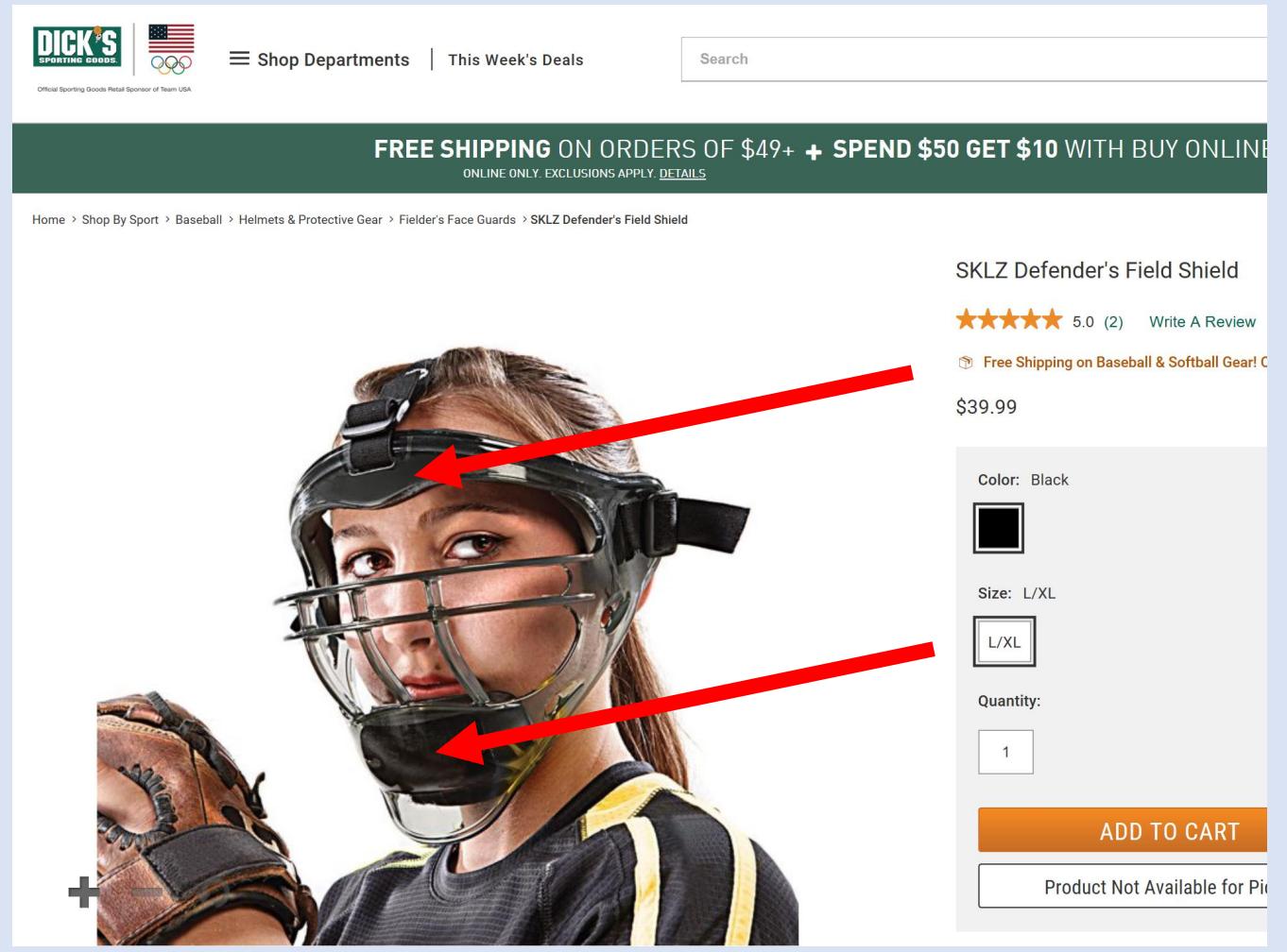
Defendant sells said face guard with a compressible padding connected to the framework and configured to contact the player and thereby space the framework from the face when the guard is donned



**Claim 1****U.S. Patent No. 6,598,234**

Said padding presenting a brow pad and a chin pad

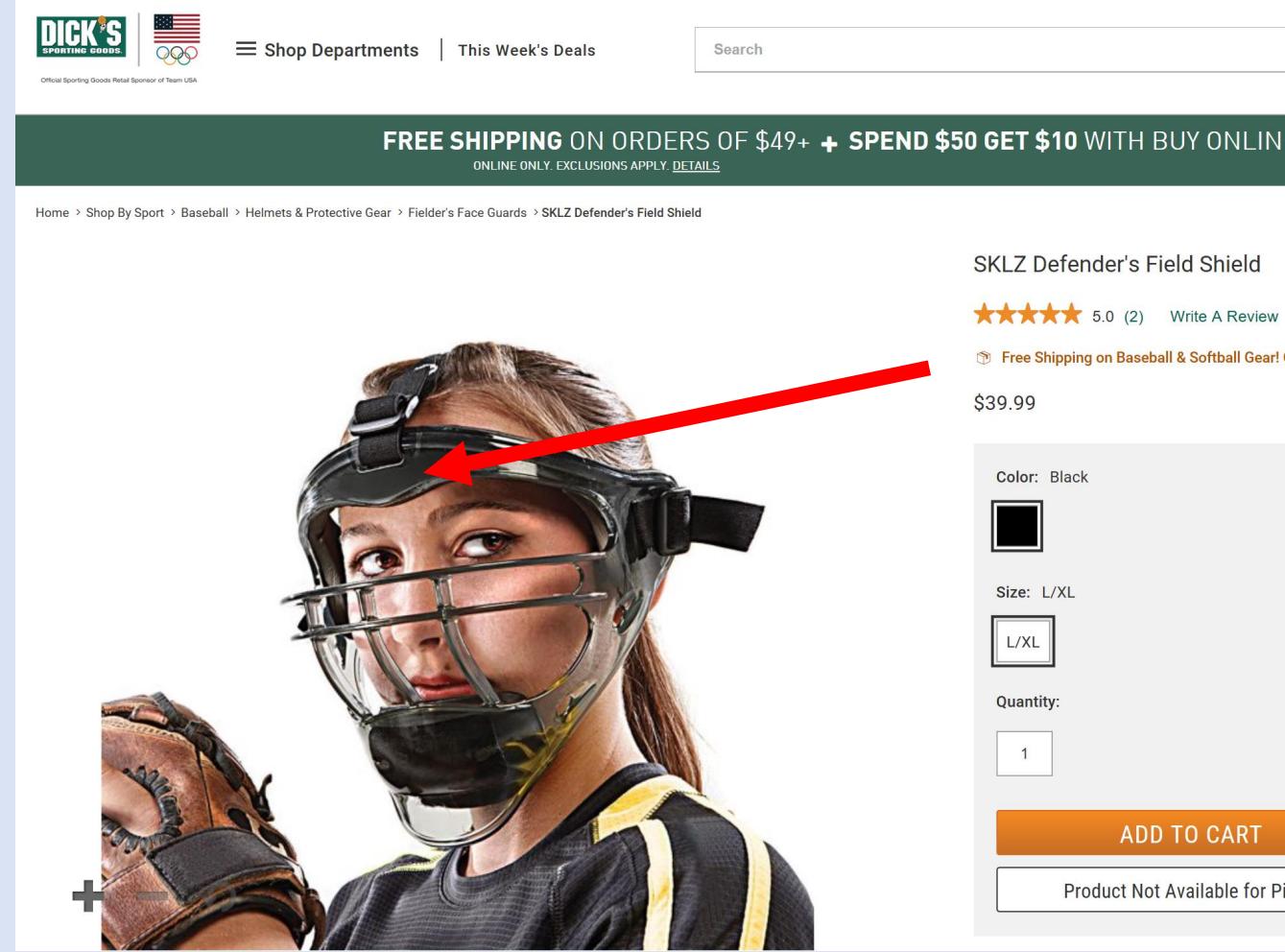
Defendant sells said face guard with said padding presenting a brow pad and a chin pad



**Claim 1****U.S. Patent No. 6,598,234**

Said brow pad extending laterally across the face and configured to contact the brow of the player when the guard is donned

Defendant sells said face guard with said brow pad extending laterally across the face and configured to contact the brow of the player when the guard is donned

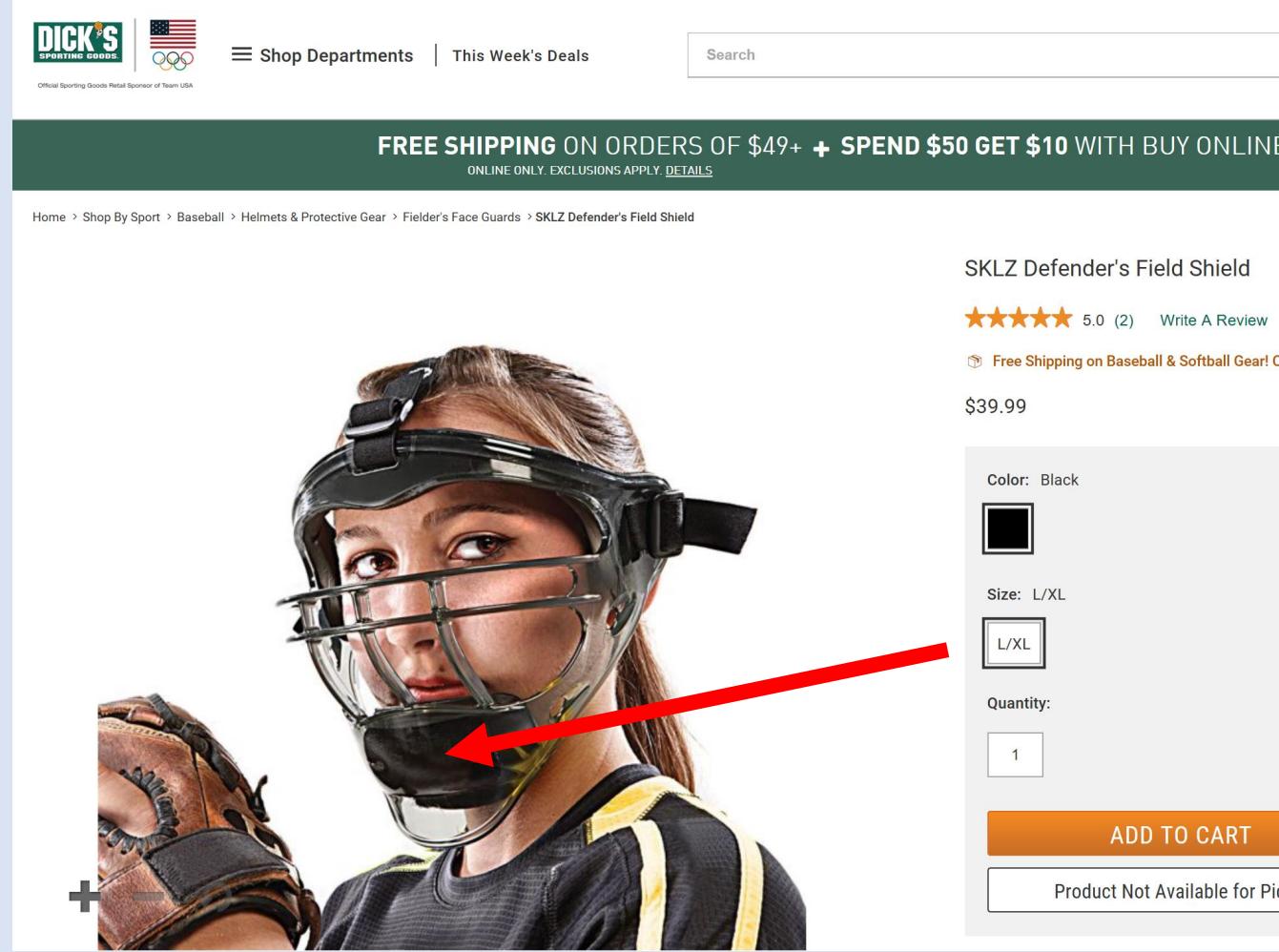


**Claim 1**

Said chin pad extending vertically across the face and configured to contact the chin of the player when the guard is donned

**U.S. Patent No. 6,598,234**

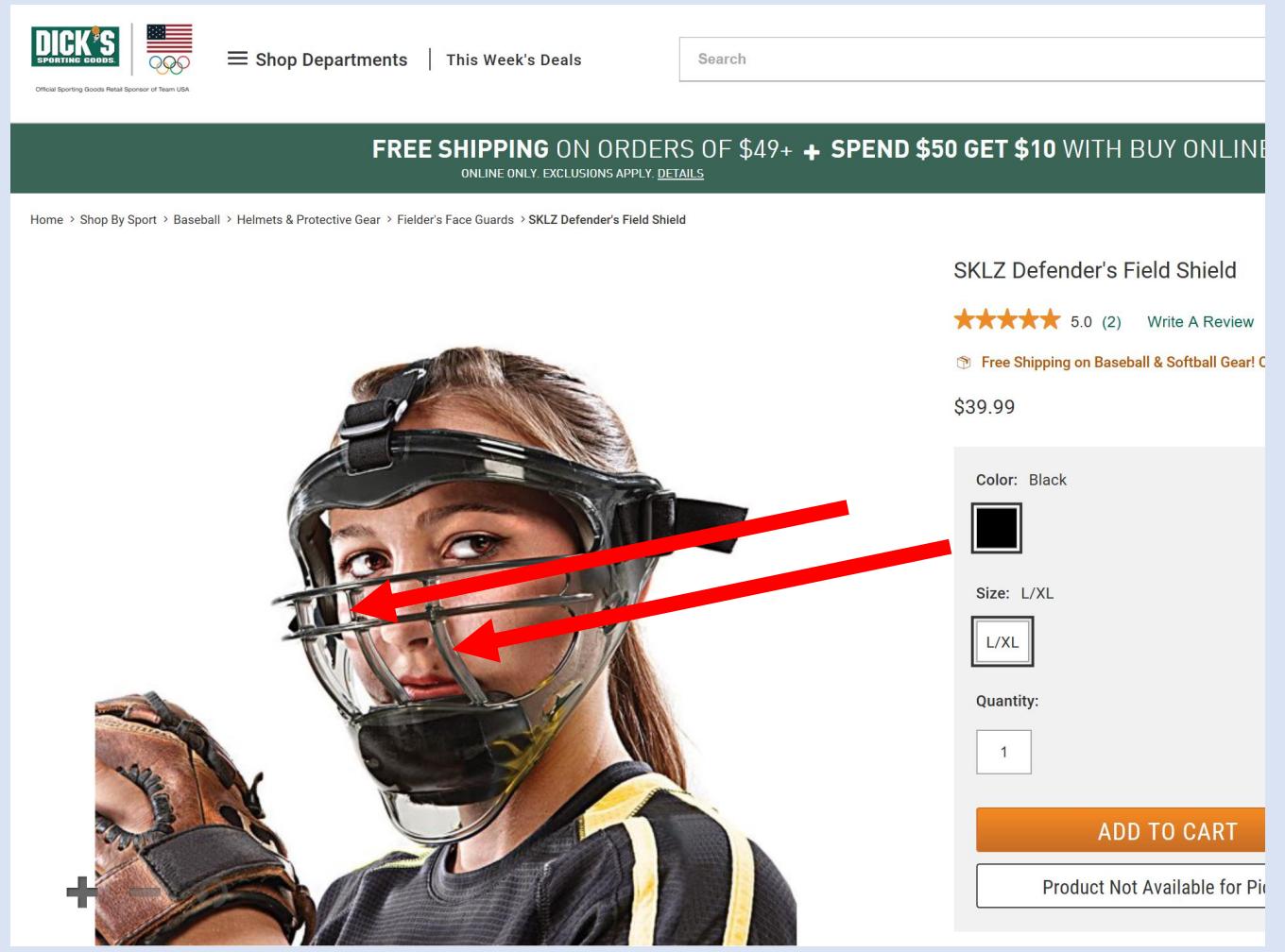
Defendant sells said face guard with said chin pad extending vertically across the face and configured to contact the chin of the player when the guard is donned



**Claim 1****U.S. Patent No. 6,598,234**

Said risers being free of said padding

Defendant sells said face guard with said risers being free of said padding

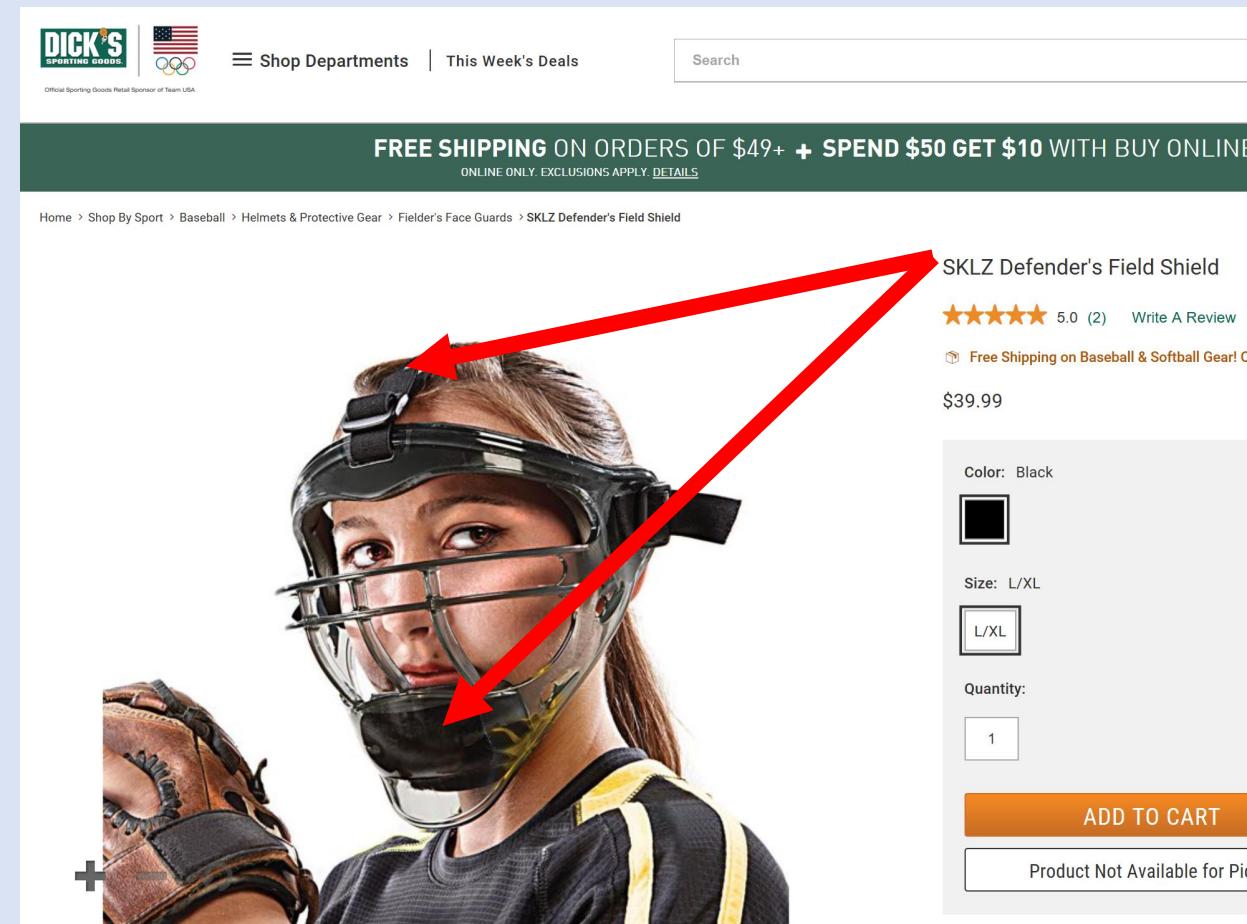


**Claim 1**

Said plurality of straps including a securing strap being coupled relative to the chin pad and being configured to snugly enclose the crown of the player's head and thereby secure the guard on the player's face once the guard is positioned on the player's face

**U.S. Patent No. 6,598,234**

Defendant sells said face guard with said plurality of straps including a securing strap being coupled relative to the chin pad and being configured to snugly enclose the crown of the player's head and thereby secure the guard on the player's face once the guard is positioned on the player's face



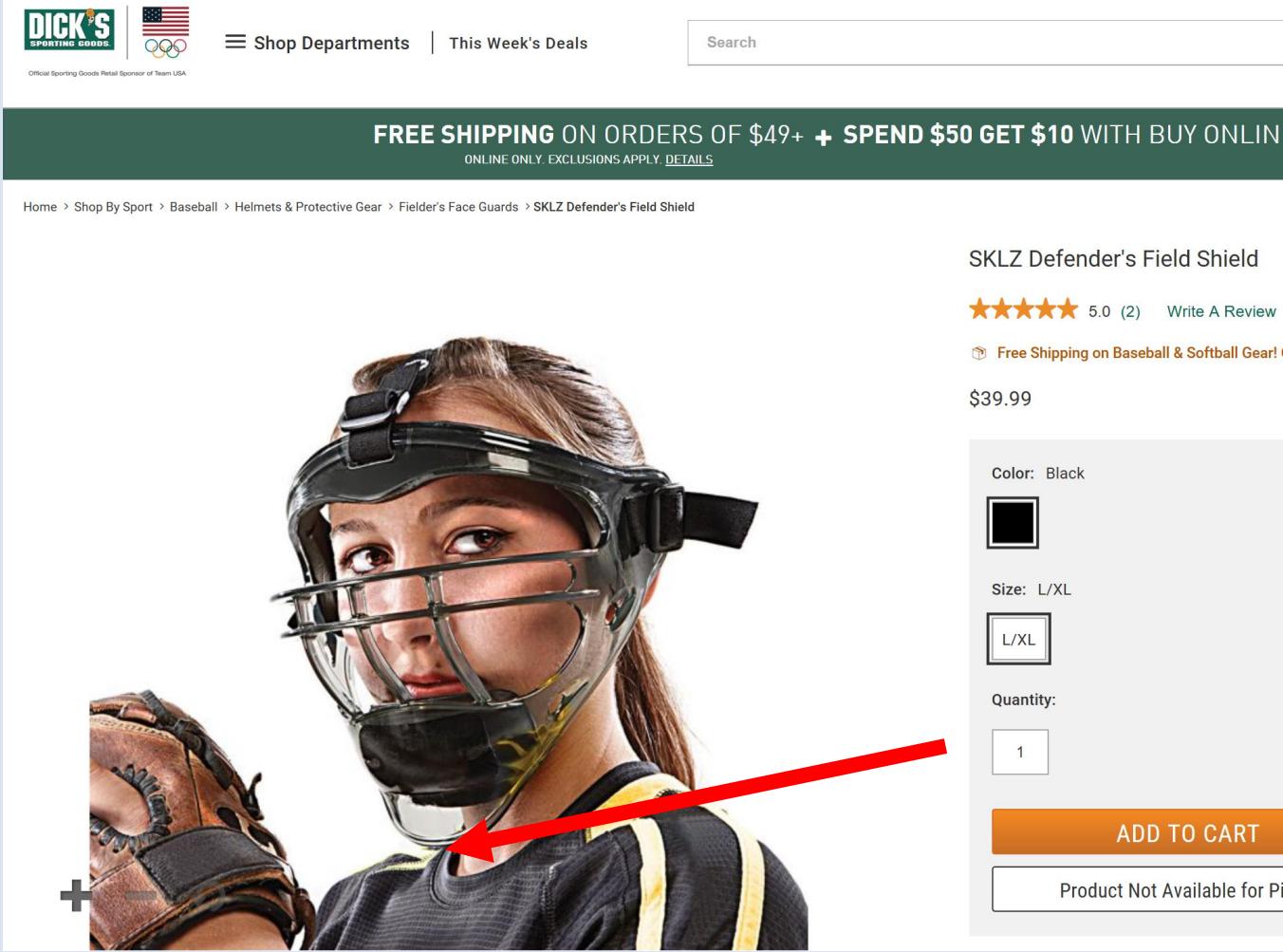
“Relative to” – Corresponding to, See <https://www.collinsdictionary.com/dictionary/english/relative-to>

**Claim 2**

the face guard as claimed in claim 1, said framework including a chin bar extending below the chin of the player when the guard is donned.

**U.S. Patent No. 6,598,234**

Defendant sells the face guard as claimed in claim 1, said framework including a chin bar extending below the chin of the player when the guard is donned.

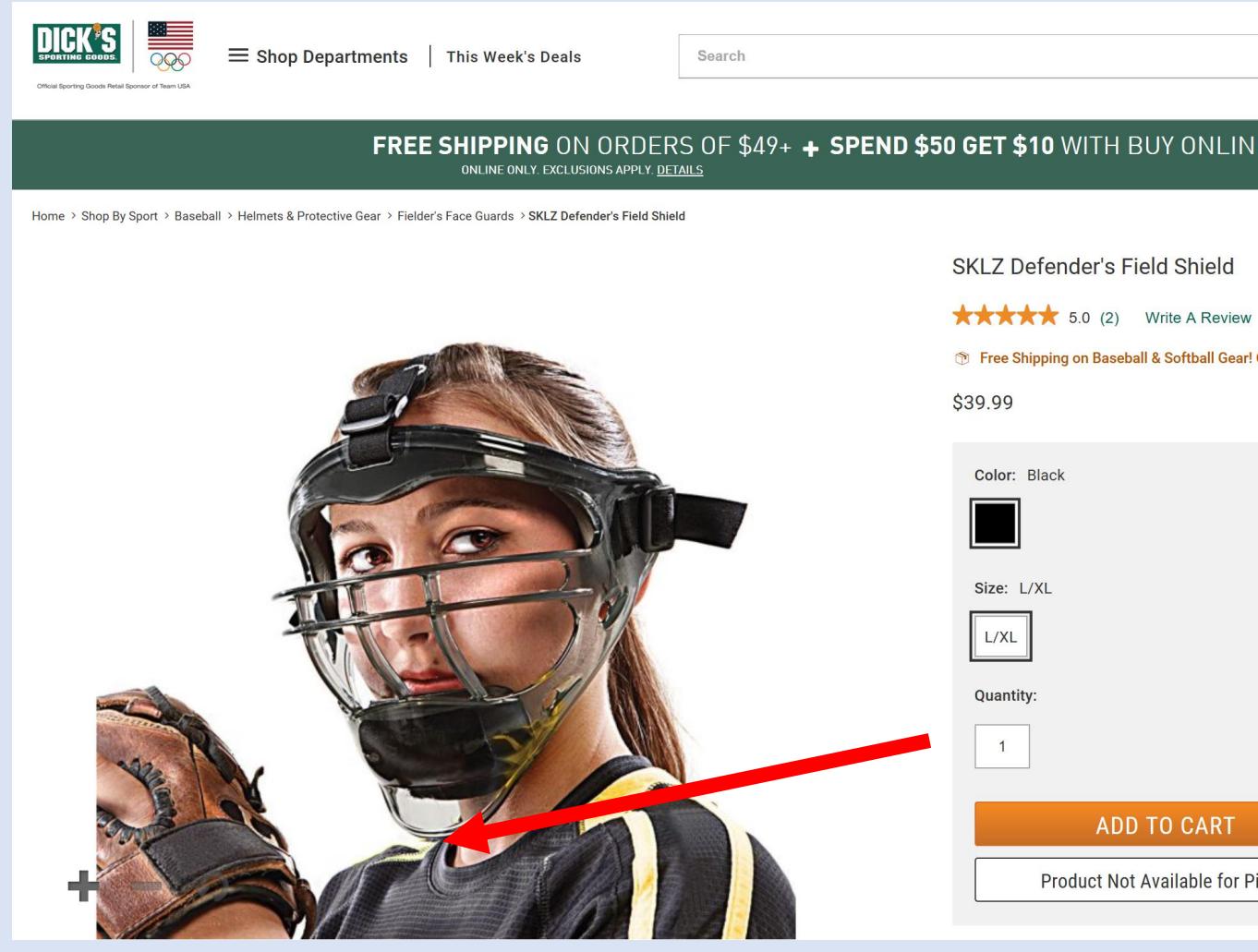


**Claim 3**

the face guard as claimed in claim 2, said framework including a chin guard.

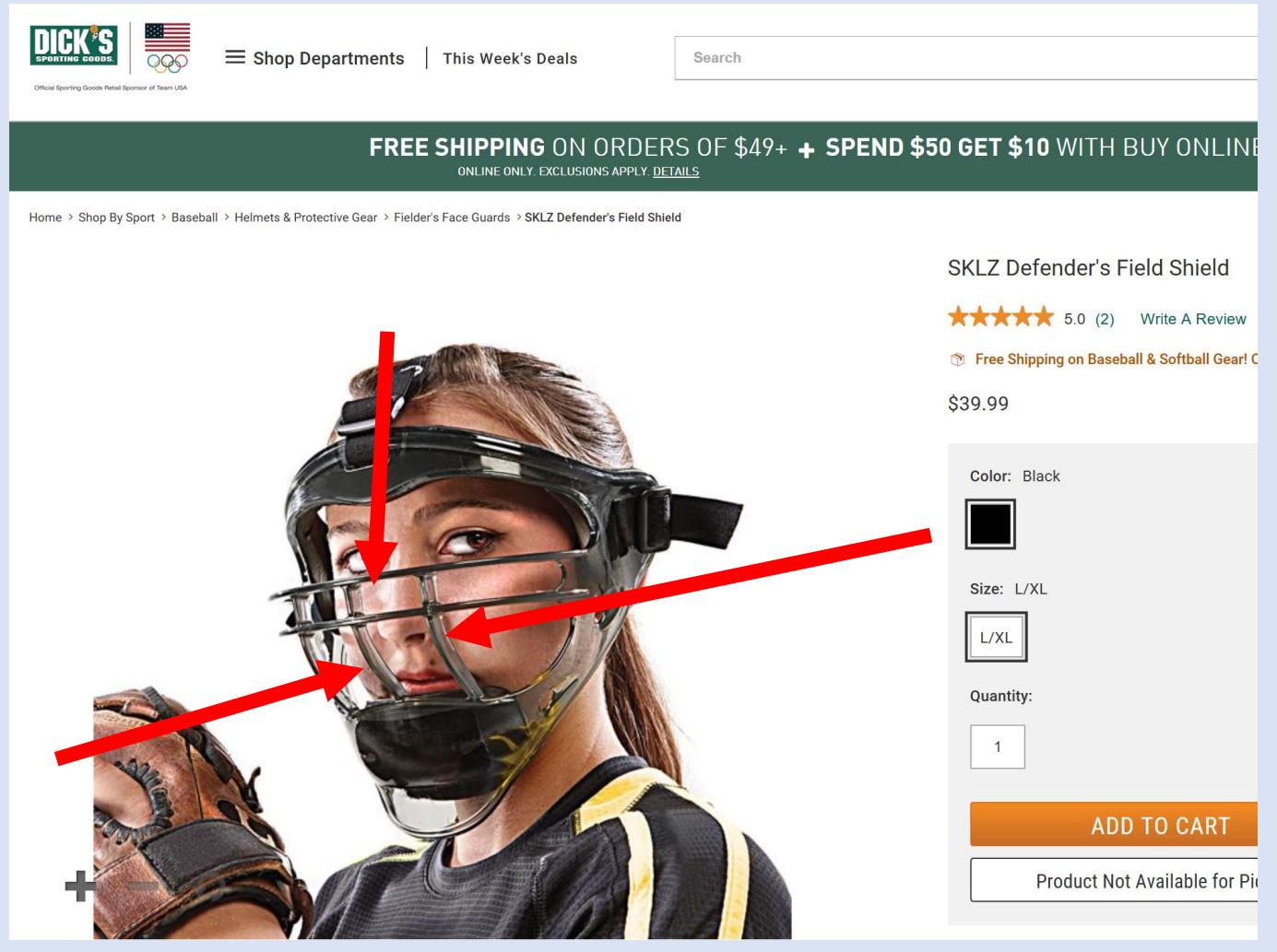
**U.S. Patent No. 6,598,234**

Defendant sells the face guard as claimed in claim 2, said framework including a chin guard.



**Claim 4****U.S. Patent No. 6,598,234**

the face guard as claimed in claim 3, said plurality of risers being integrally formed.

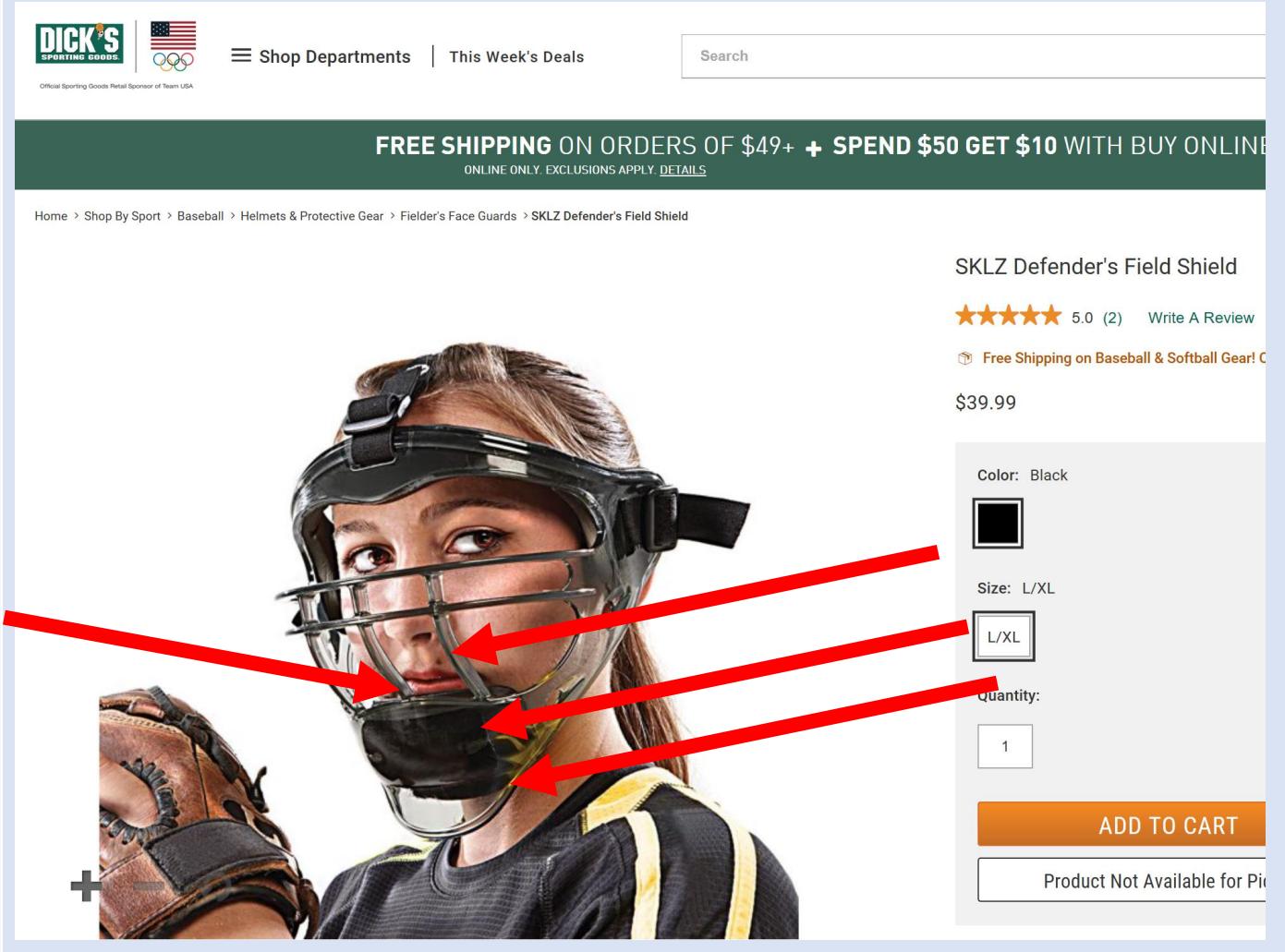


**Claim 5**

the face guard as claimed in claim 4, said chin bar being integrally formed with said plurality of risers.

**U.S. Patent No. 6,598,234**

Defendant sells the face guard as claimed in claim 4, said chin bar being integrally formed with said plurality of risers.

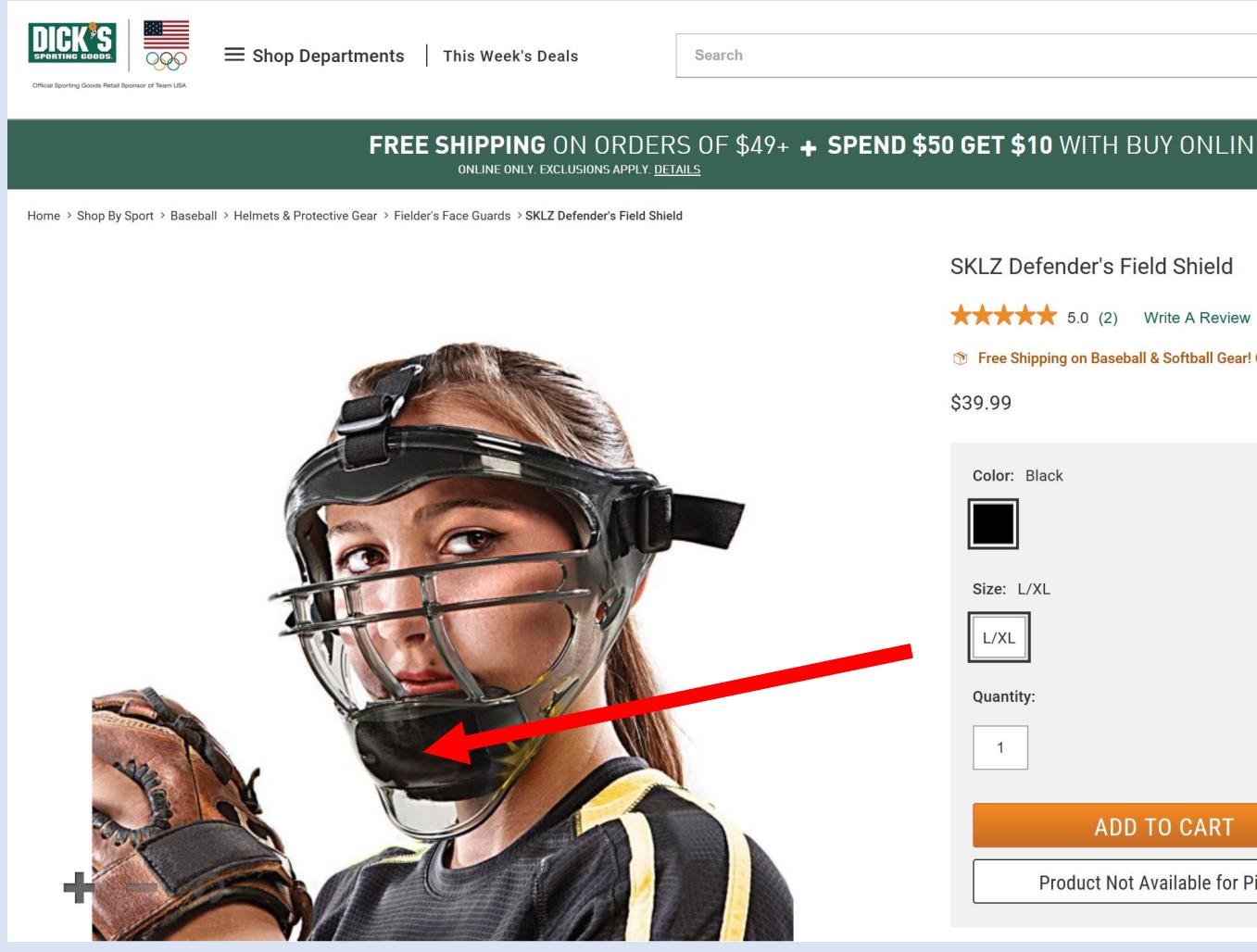


**Claim 6**

the face guard as claimed in claim 2, said framework including a chin guard.

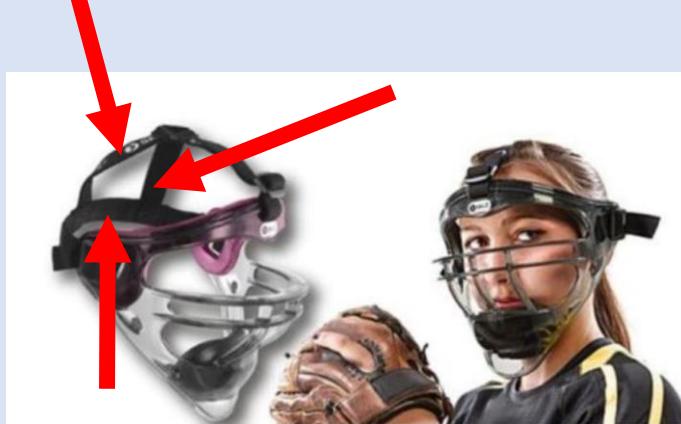
**U.S. Patent No. 6,598,234**

Defendant sells the face guard as claimed in claim 2, said framework including a chin guard.

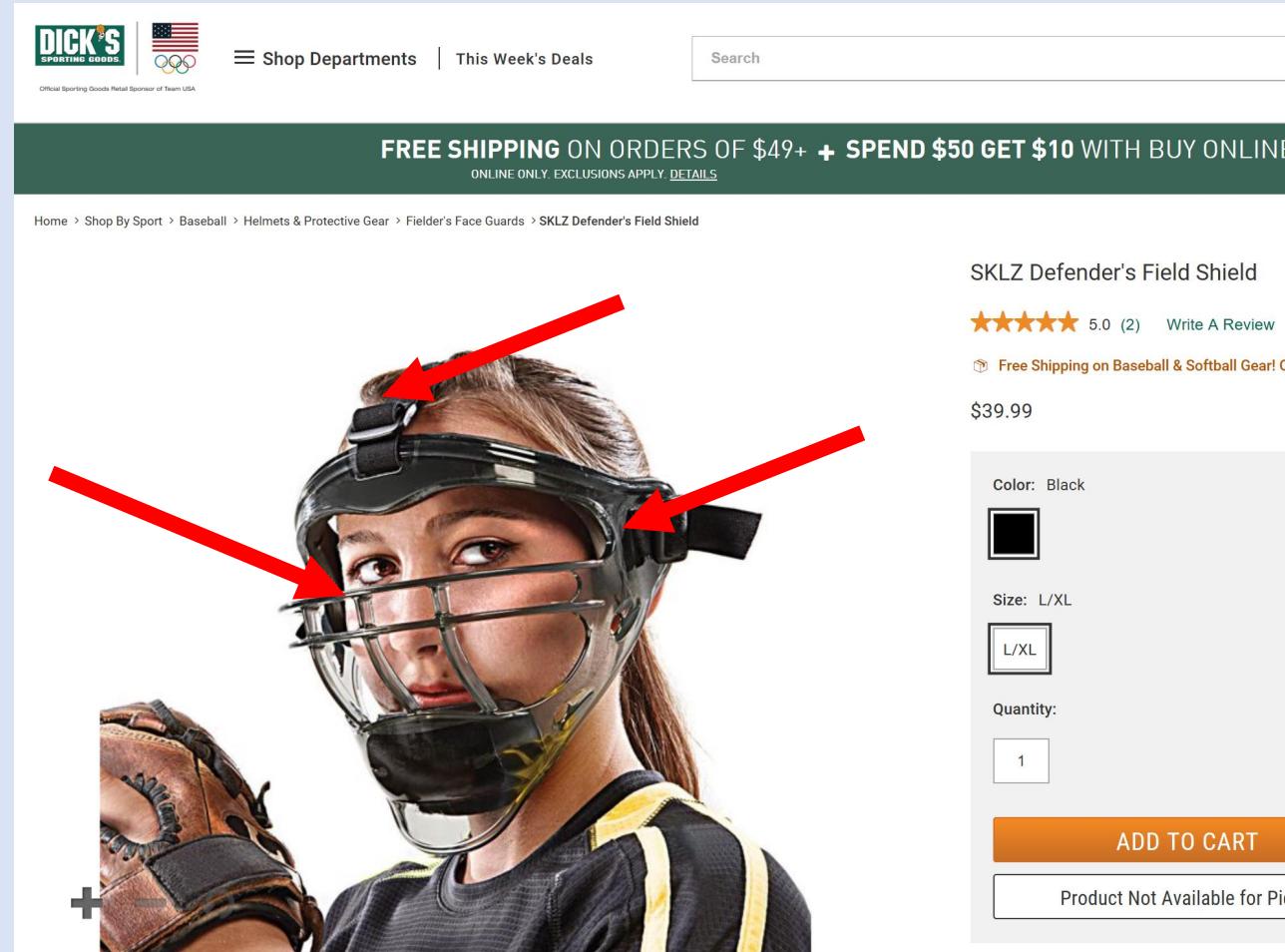


**Claim 8**

the face guard as claimed in claim 6, said securing strap being adjustable, said plurality of straps including a stretchable positioning strap and an additional adjustable securing strap.

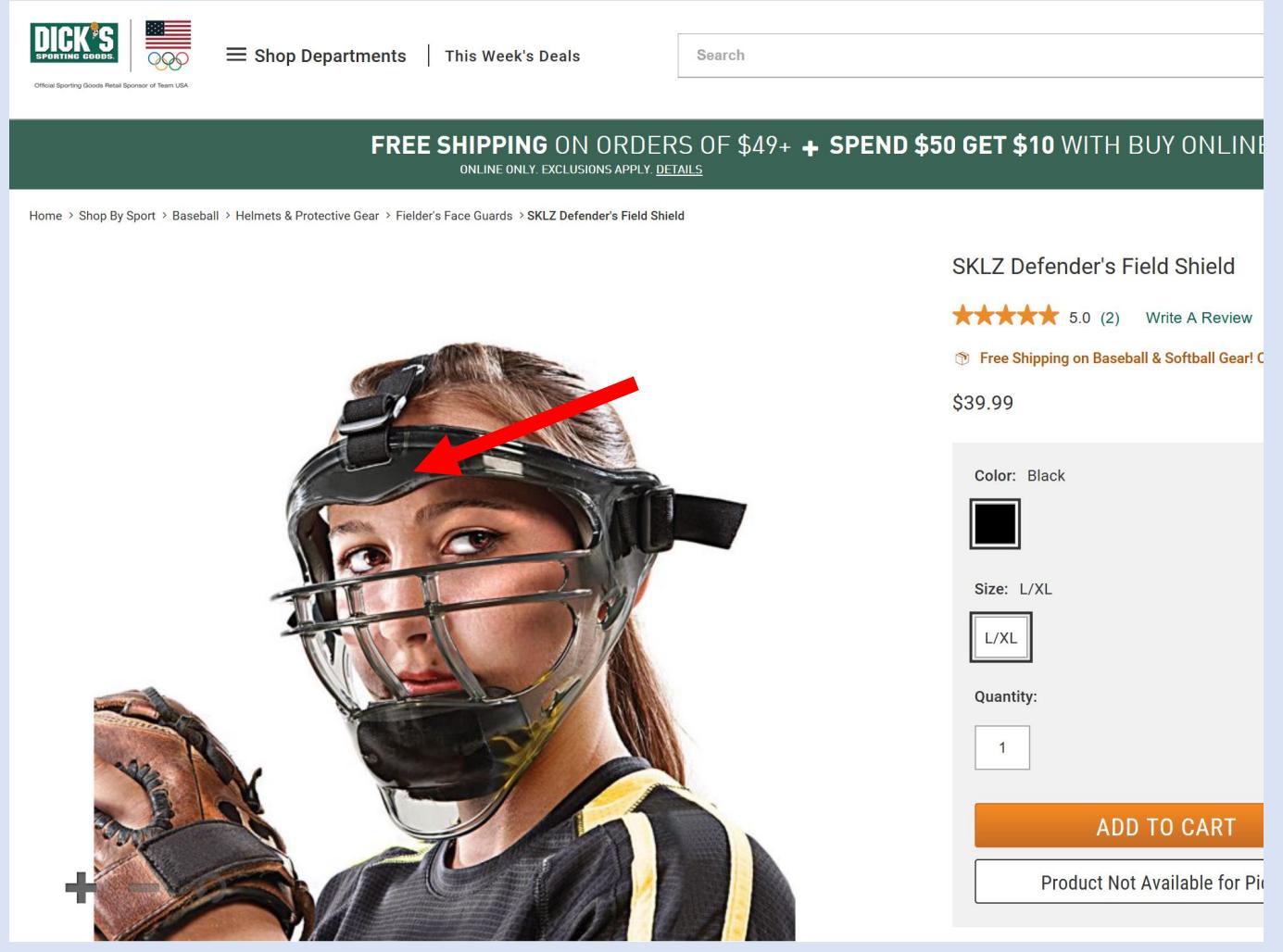
**U.S. Patent No. 6,598,234**

Defendant sells the face guard as claimed in claim 6, said securing strap being adjustable, said plurality of straps including a stretchable positioning strap and an additional adjustable securing strap.



**Claim 9****U.S. Patent No. 6,598,234**

the face guard as claimed in claim 8, said brow pad being connected to one of said crossbars.



## **EXHIBIT 4**

# 13-31 Sport, LLC v. Dick's Sporting Goods, Inc.

U.S. Patent No. 6,499,139

**Product: SKLZ Defender's Field Shield**

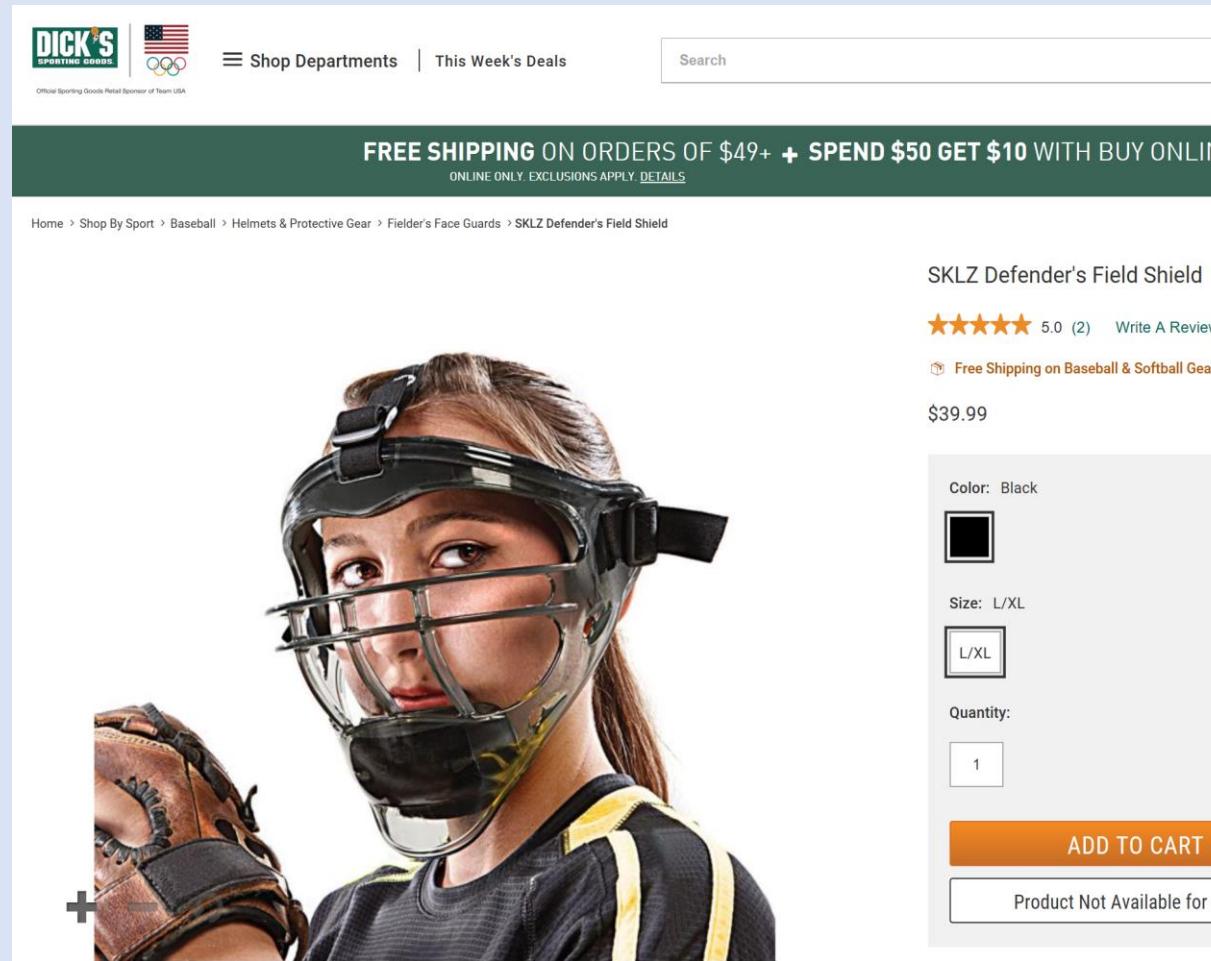
**Claim 1**

What is claimed is:

A face guard for protecting a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player, the face guard comprising:

**U.S. Patent No. 6,499,139 Product: SKLZ Defender's Field Shield**

Defendant sells a face guard for protecting a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player,

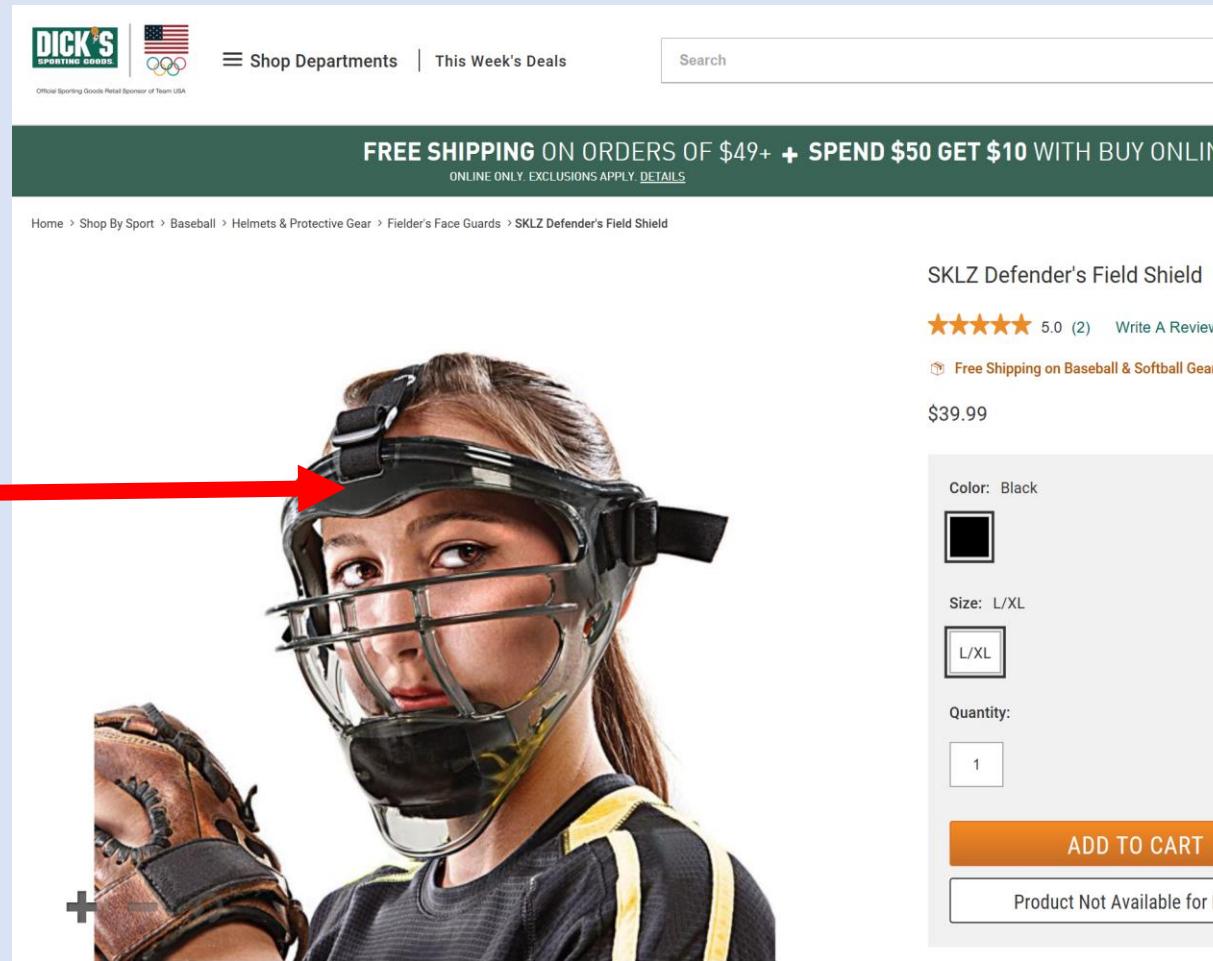


**Claim 1**

An open framework configured to prevent a baseball from contacting the player's face when the guard is donned,

**U.S. Patent No. 6,499,139**

Defendant sells an open framework configured to prevent a baseball from contacting the player's face when the guard is donned,

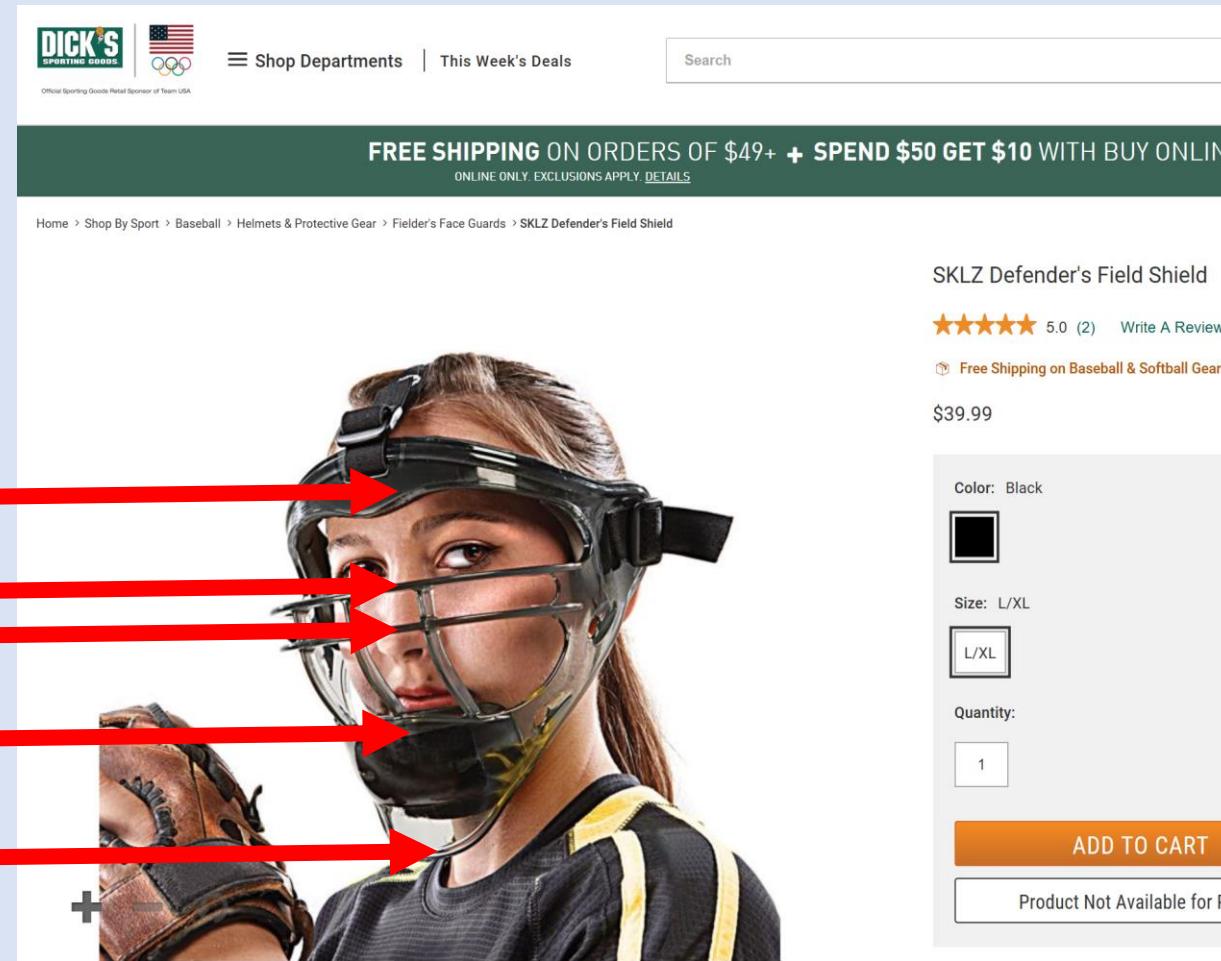


**Claim 1**

Said framework including a plurality of vertically spaced crossbars extending across the player's face when the guard is donned,

**U.S. Patent No. 6,499,139**

Defendant sells said framework including a plurality of vertically spaced crossbars extending across the player's face when the guard is donned,

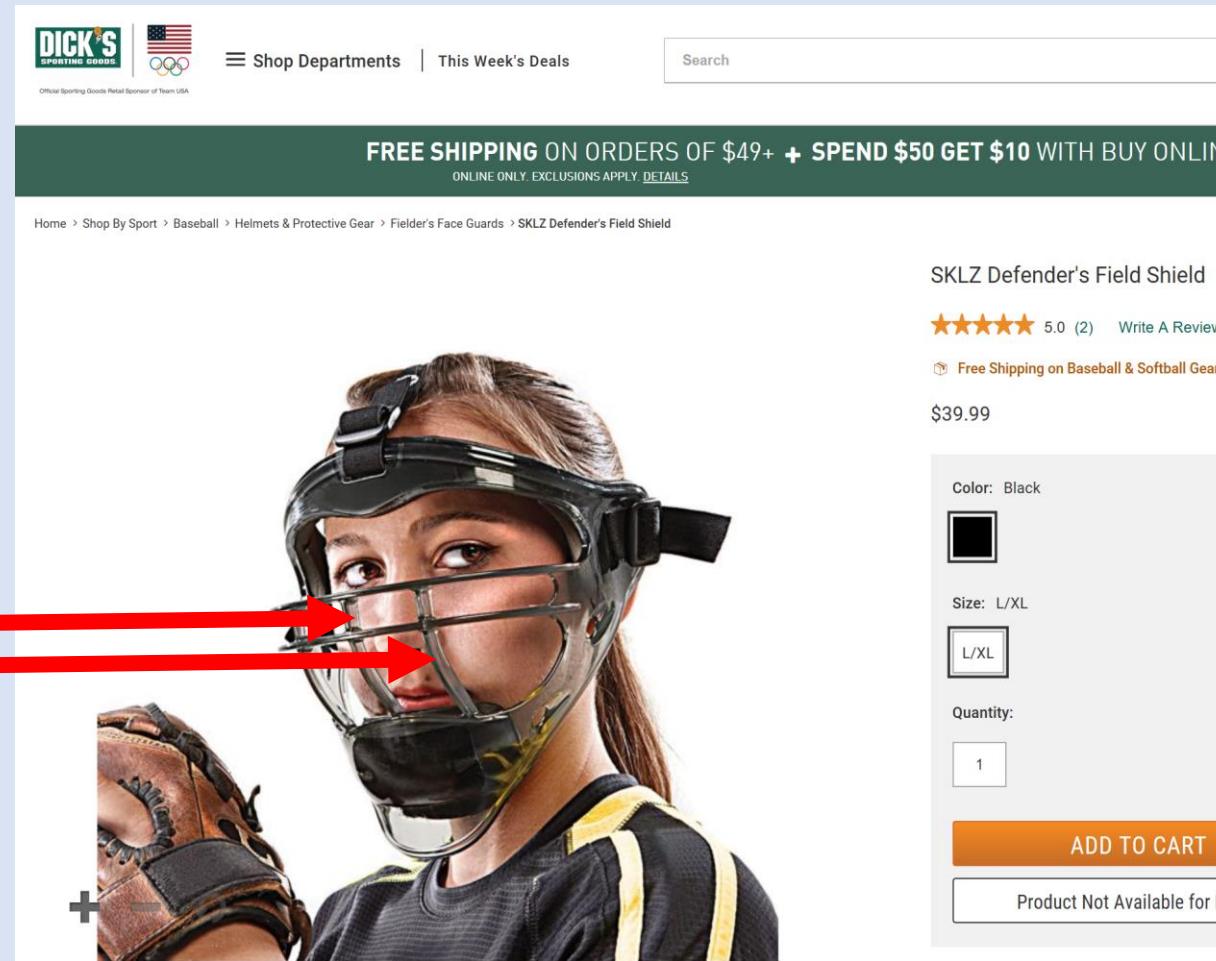


**Claim 1**

Said framework further including a plurality of risers interconnecting the crossbars,

**U.S. Patent No. 6,499,139**

Defendant sells said framework further including a plurality of risers interconnecting the crossbars,

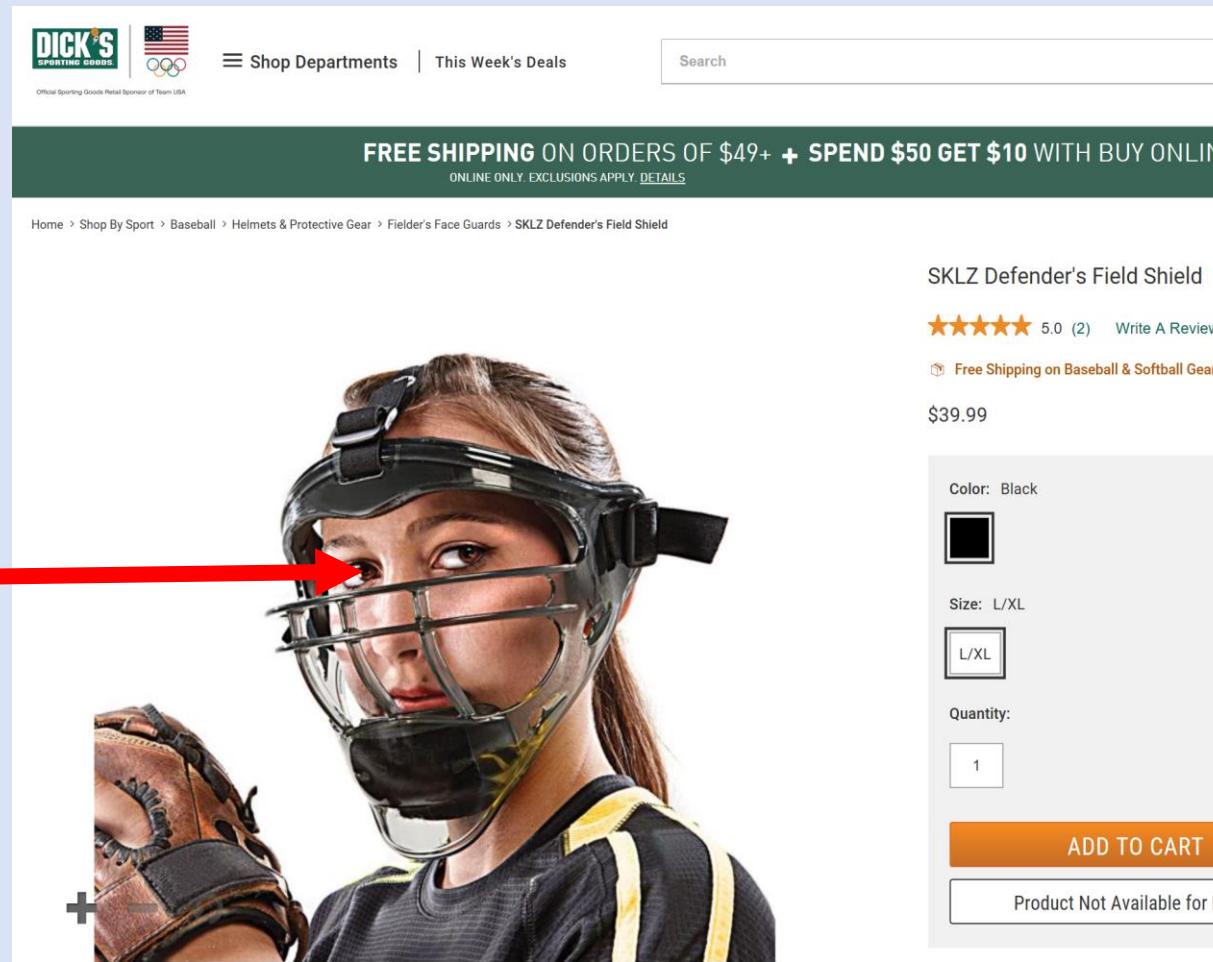


**Claim 1**

Said framework being positioned, when the guard is donned, outside of the player's generally horizontal line of sight;

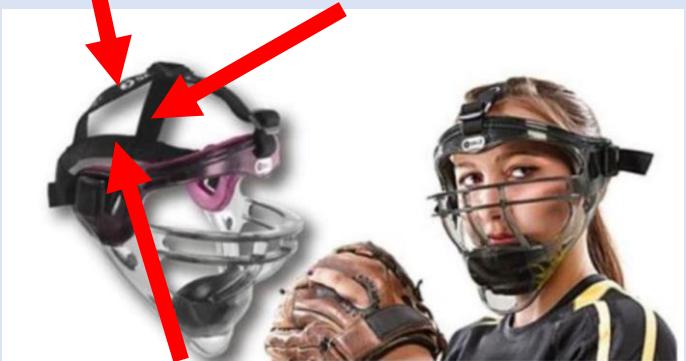
**U.S. Patent No. 6,499,139**

Defendant sells said face guard with said framework being positioned, when the guard is donned, outside of the player's generally horizontal line of sight;

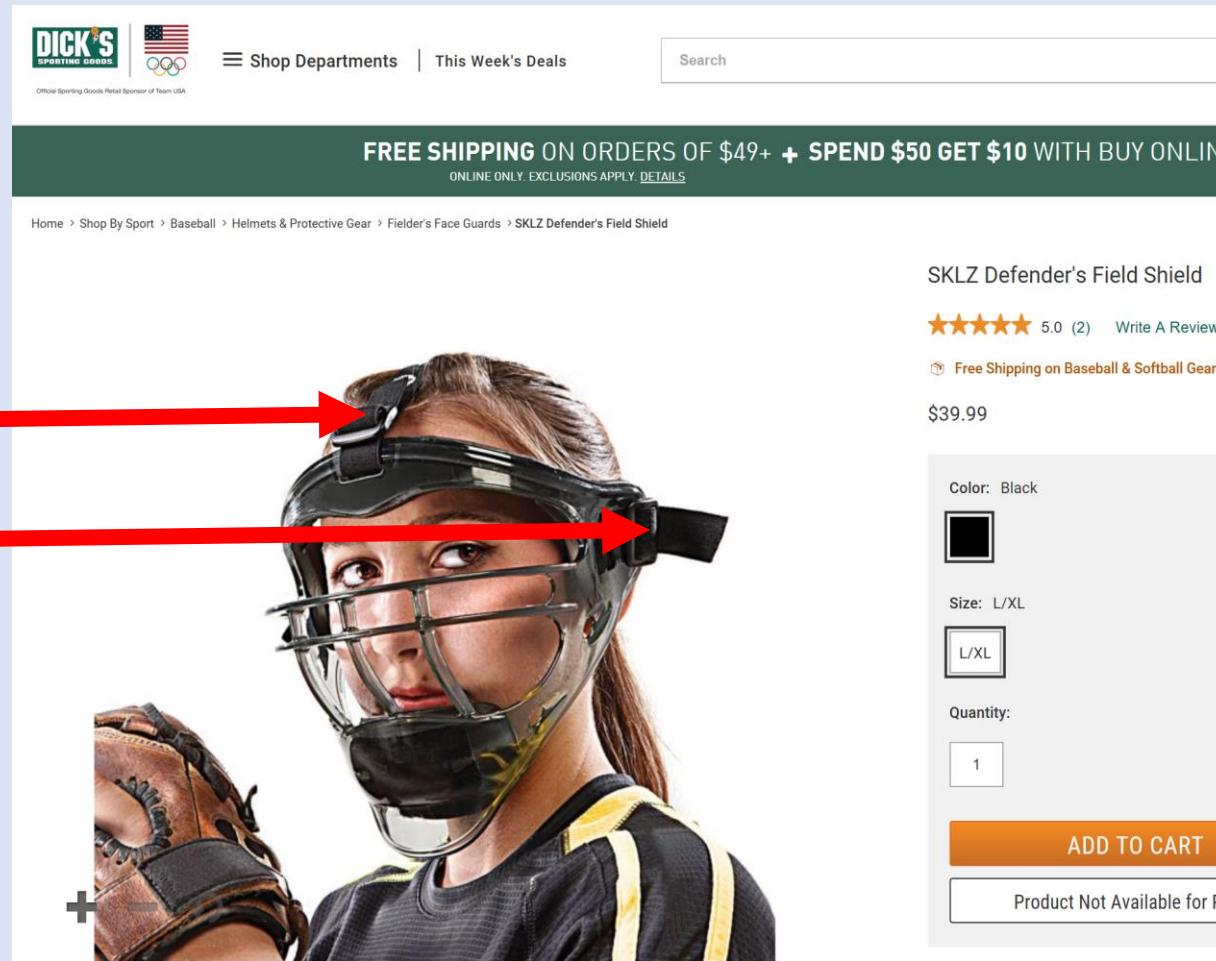


**Claim 1**

a plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned; and

**U.S. Patent No. 6,499,139**

Defendant sells said face guard with a plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned; and

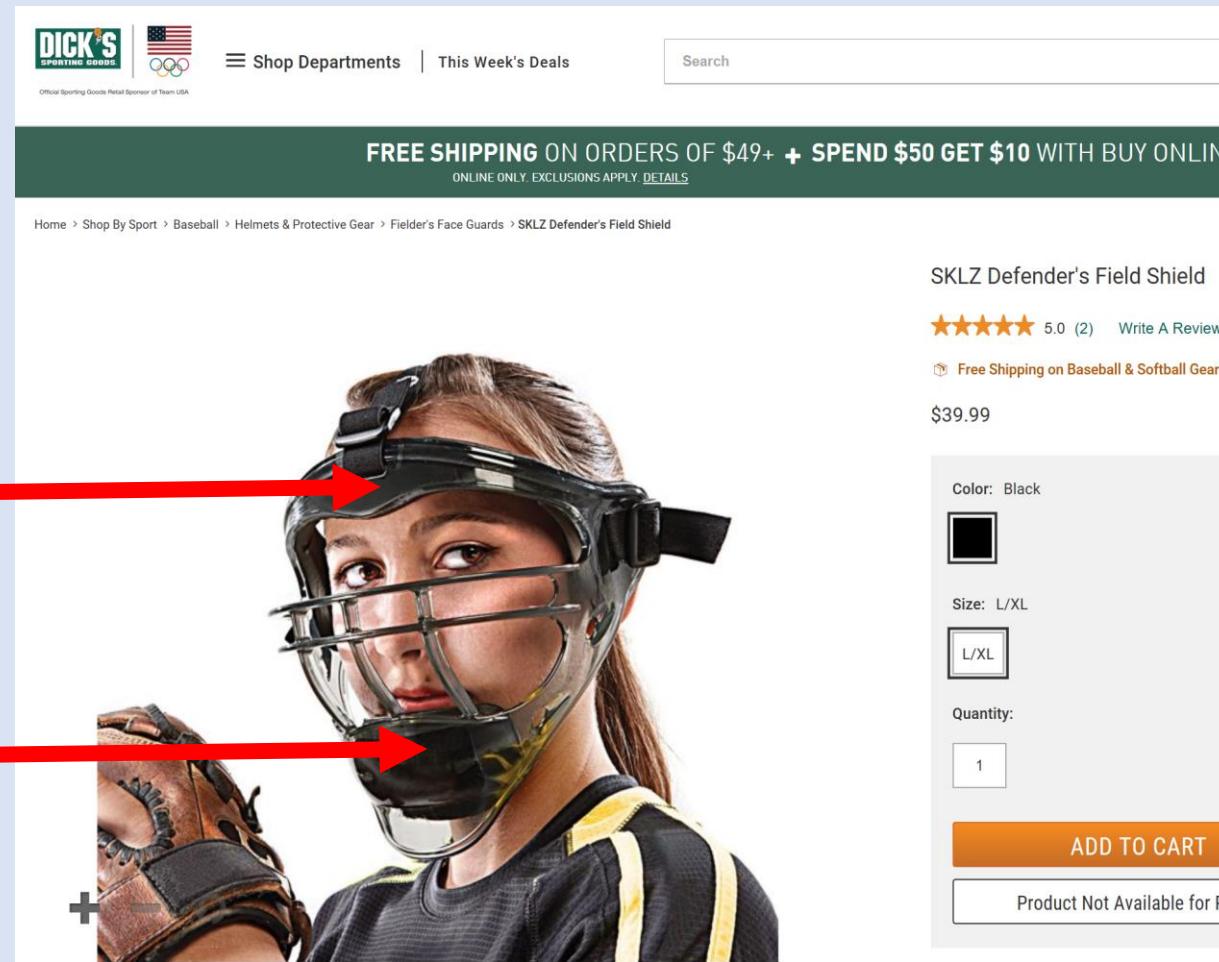


**Claim 1**

Compressible padding connected to the framework and configured to contact the player and thereby space the framework from the face when the guard is donned

**U.S. Patent No. 6,499,139**

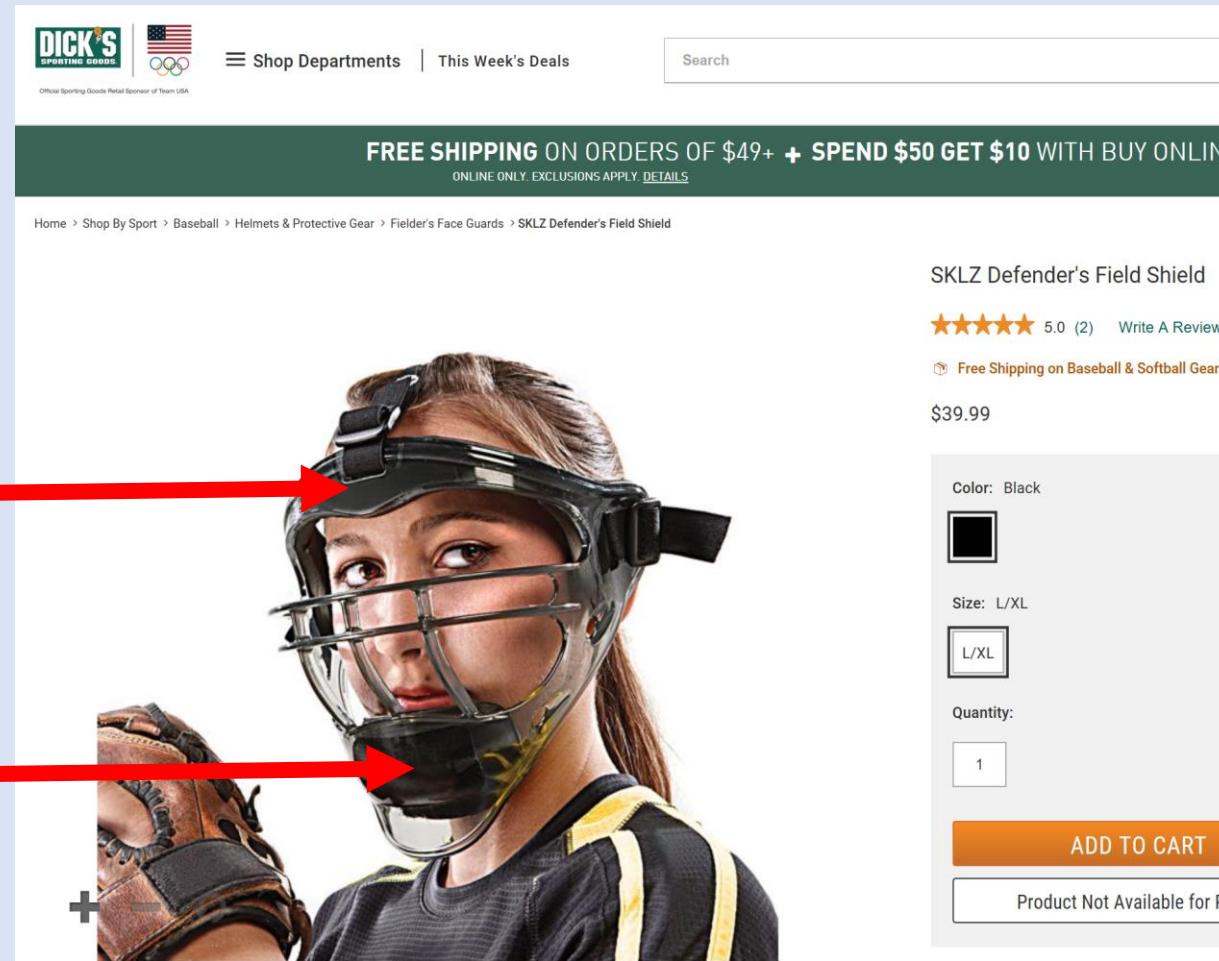
Defendant sells said face guard with a compressible padding connected to the framework and configured to contact the player and thereby space the framework from the face when the guard is donned



**Claim 1****U.S. Patent No. 6,499,139**

Said padding presenting a brow pad and a chin pad

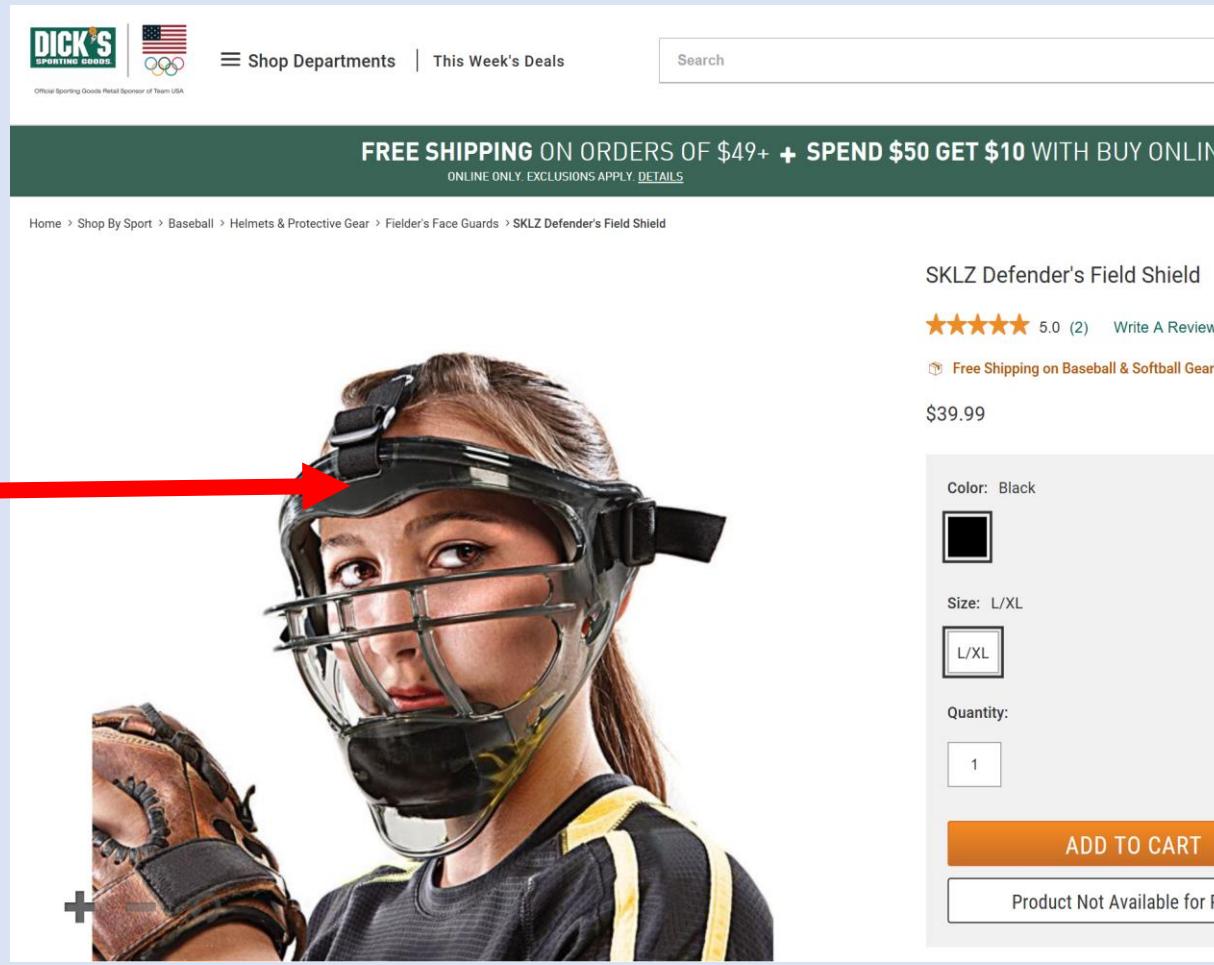
Defendant sells said face guard with said padding presenting a brow pad and a chin pad



**Claim 1****U.S. Patent No. 6,499,139**

Said brow pad extending laterally across the face and configured to contact the brow of the player when the guard is donned

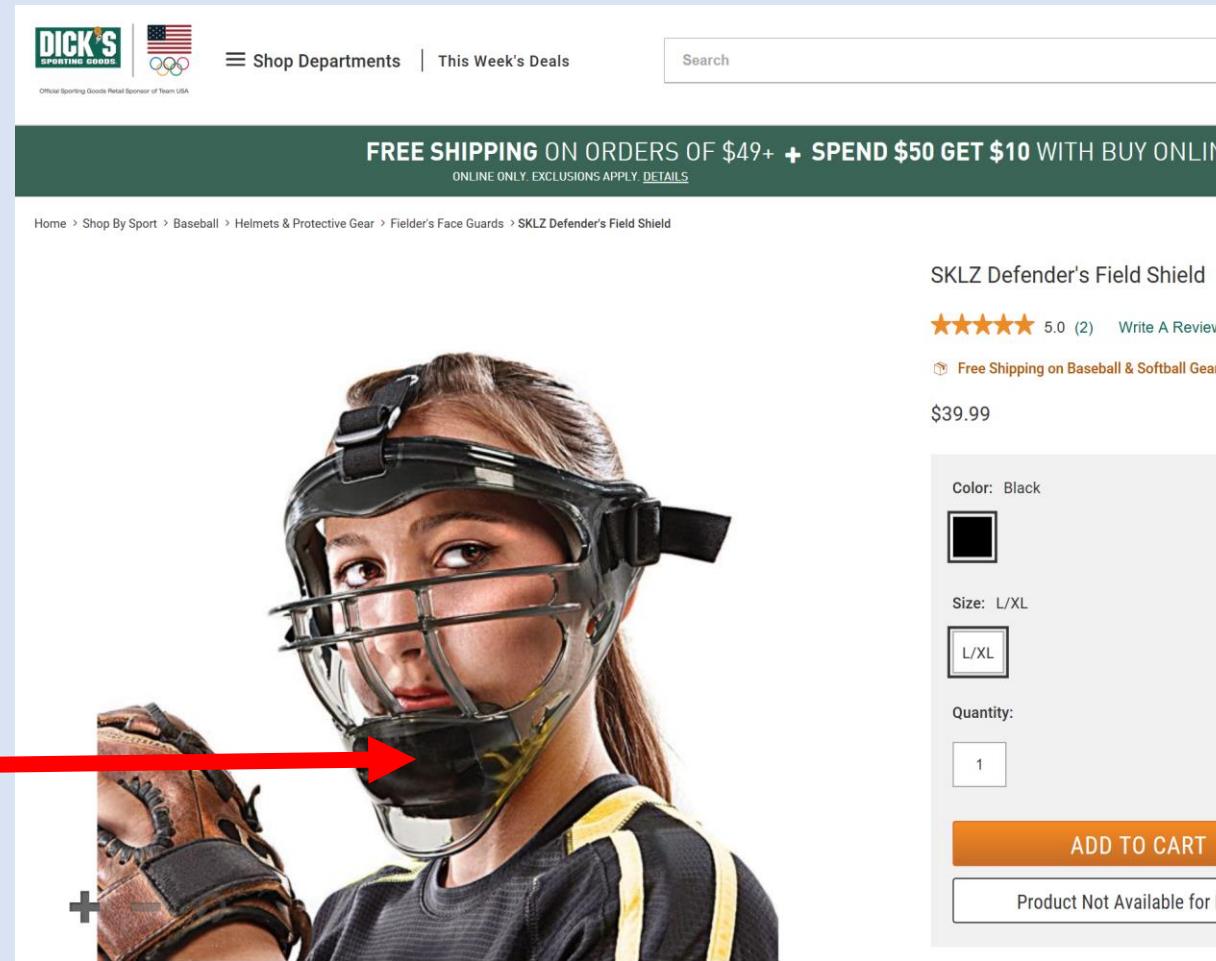
Defendant sells said face guard with said brow pad extending laterally across the face and configured to contact the brow of the player when the guard is donned



**Claim 1****U.S. Patent No. 6,499,139**

Said chin pad extending vertically across the face and configured to contact the chin of the player when the guard is donned

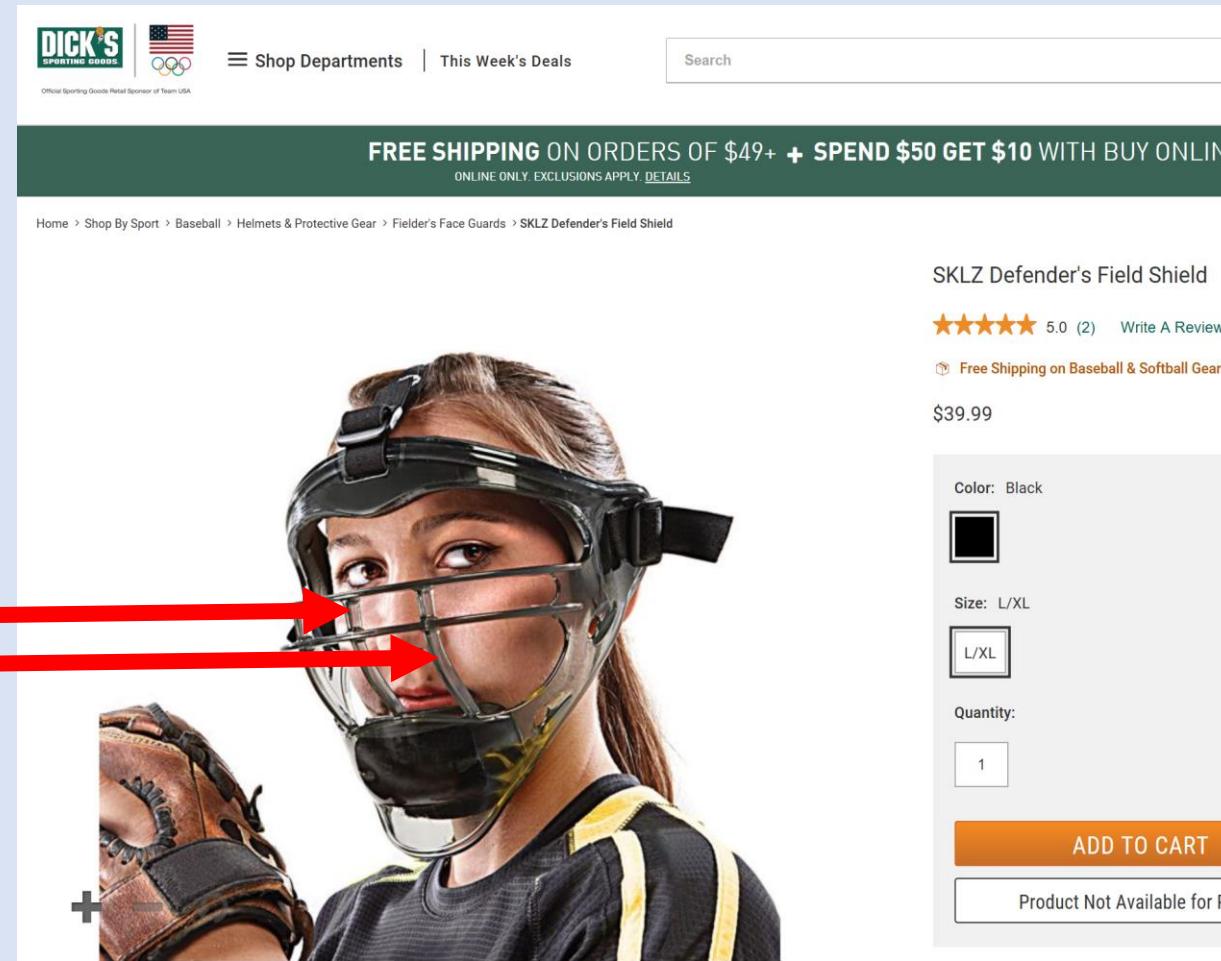
Defendant sells said face guard with said chin pad extending vertically across the face and configured to contact the chin of the player when the guard is donned



**Claim 1****U.S. Patent No. 6,499,139**

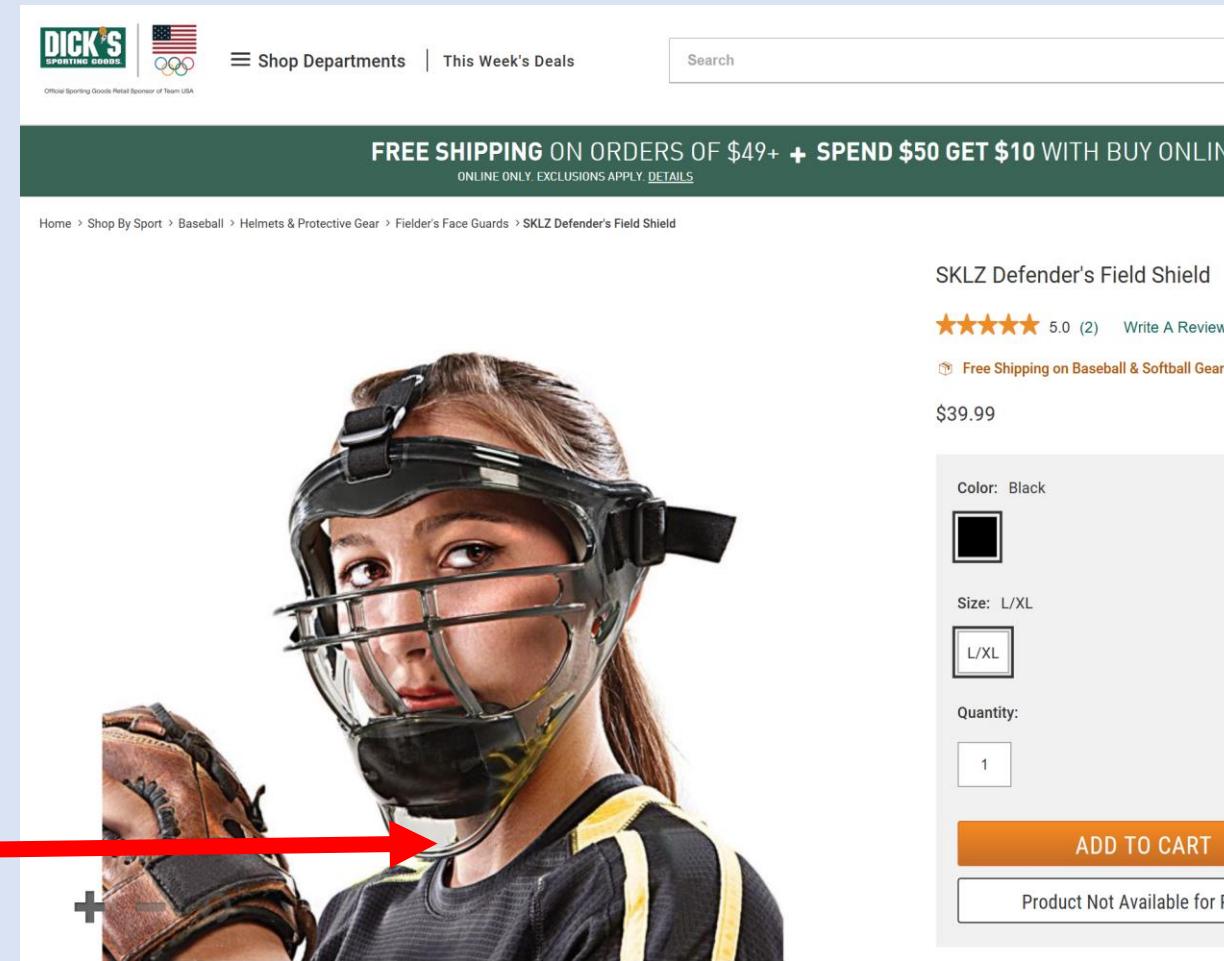
Said risers being free of said padding

Defendant sells said face guard with said risers being free of said padding



**Claim 1****U.S. Patent No. 6,499,139**

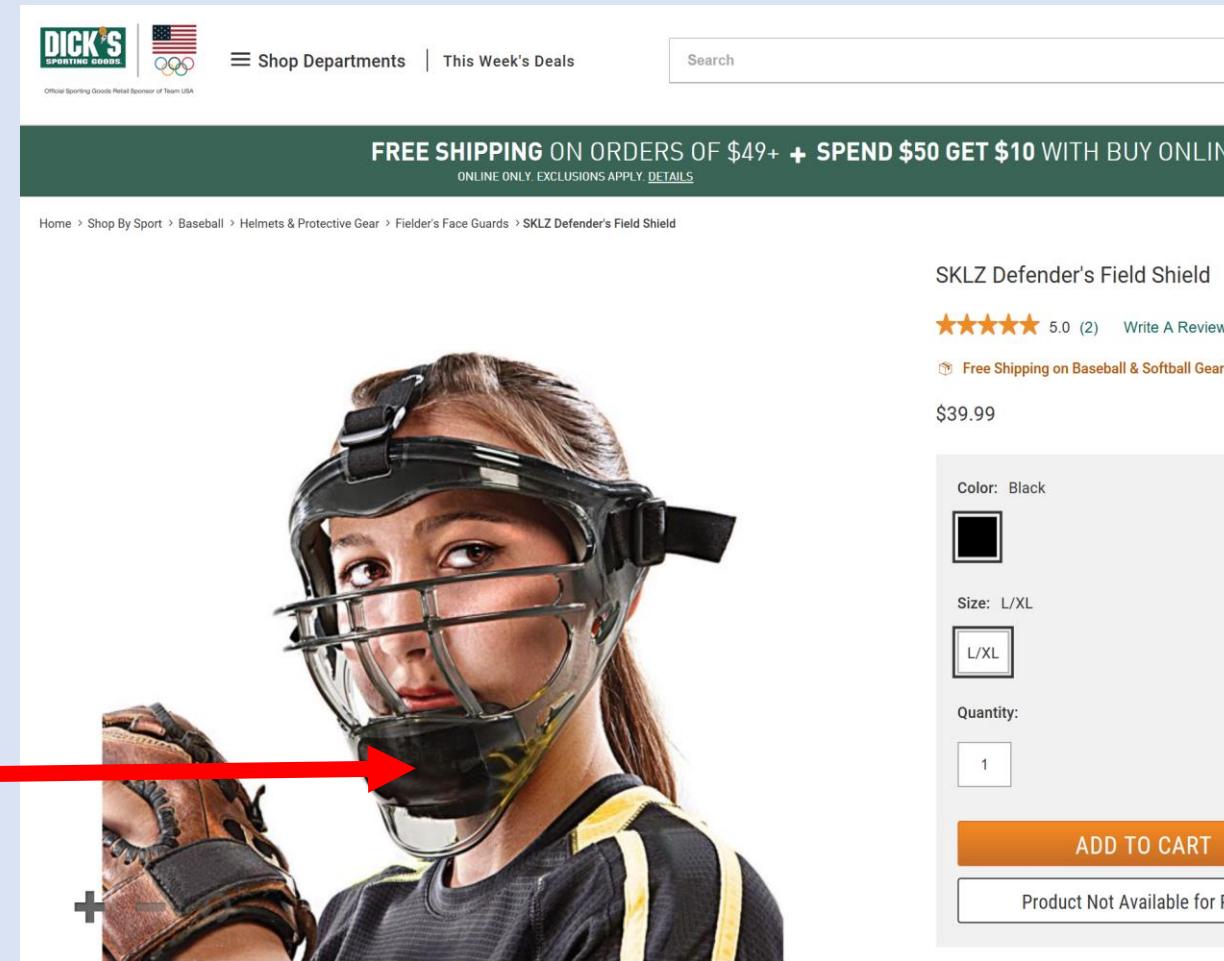
Said framework including a chin bar extending below the chin of the player when the guard is donned,



“Relative to” – Corresponding to, See <https://www.collinsdictionary.com/dictionary/english/relative-to>

**Claim 1****U.S. Patent No. 6,499,139**

Said framework including a chin guard,

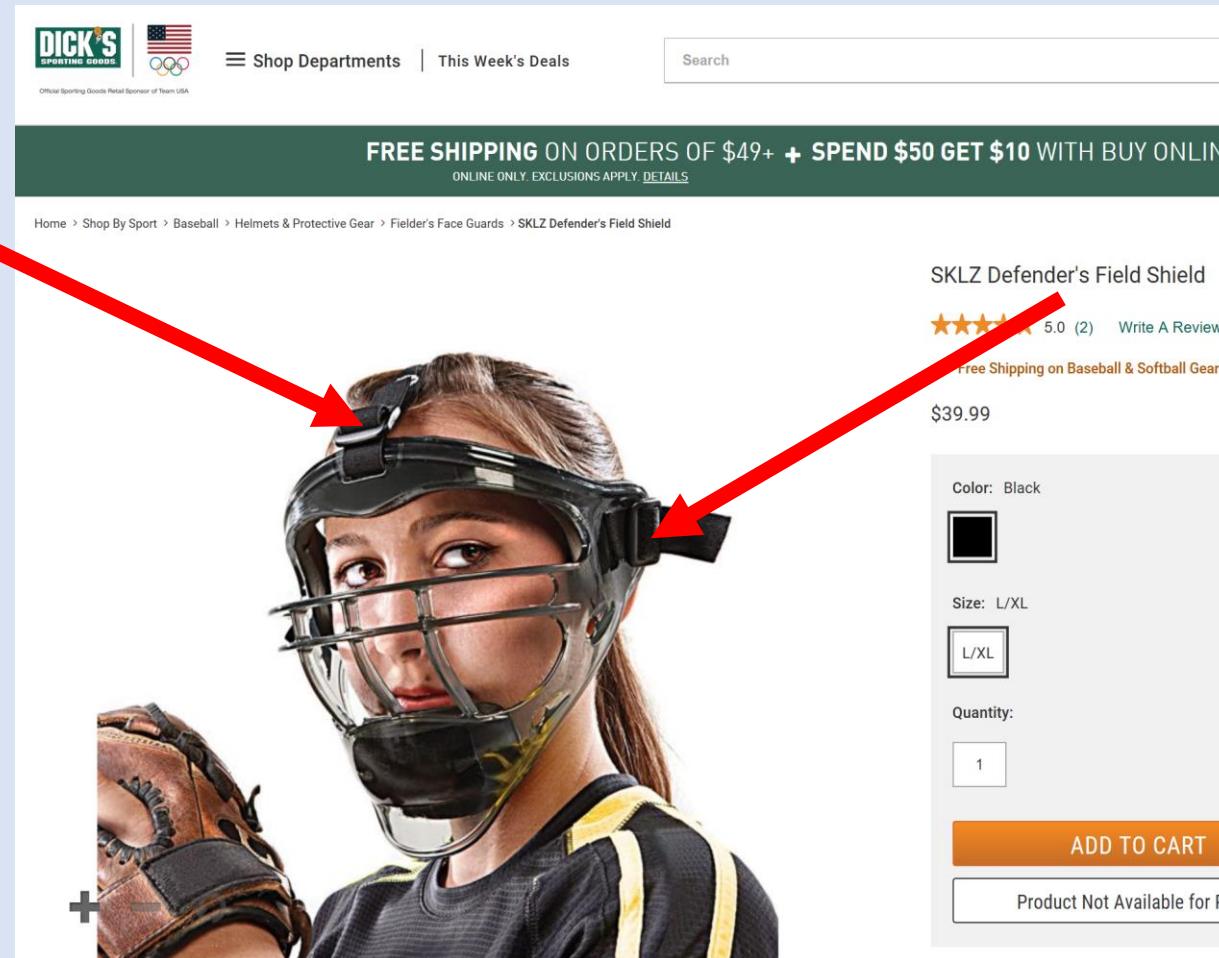
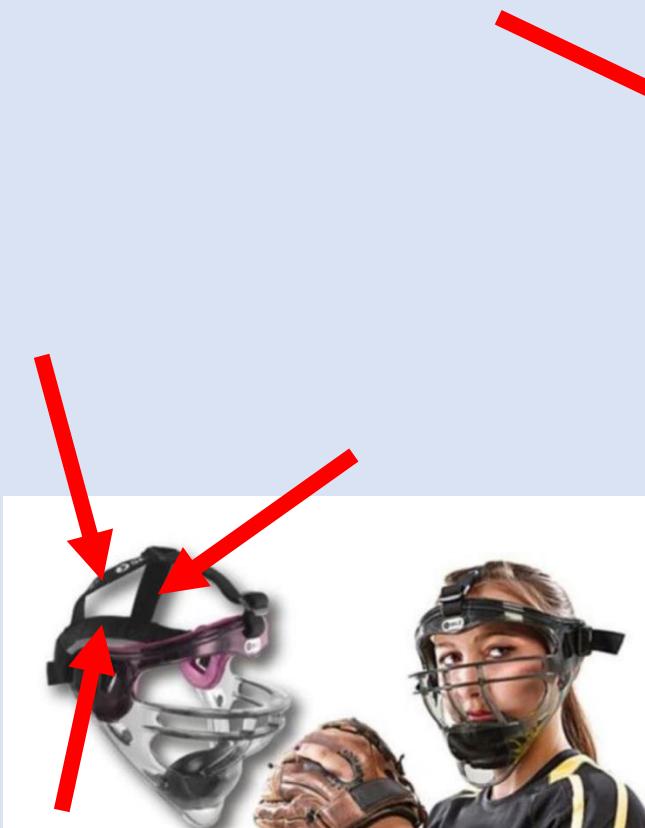


“Relative to” – Corresponding to, See <https://www.collinsdictionary.com/dictionary/english/relative-to>

**Claim 1****U.S. Patent No. 6,499,139**

said plurality of straps including a stretchable positioning strap and first and second adjustable securing straps.

Defendant sells said face guard with said plurality of straps including a stretchable positioning strap and first and second adjustable securing straps.



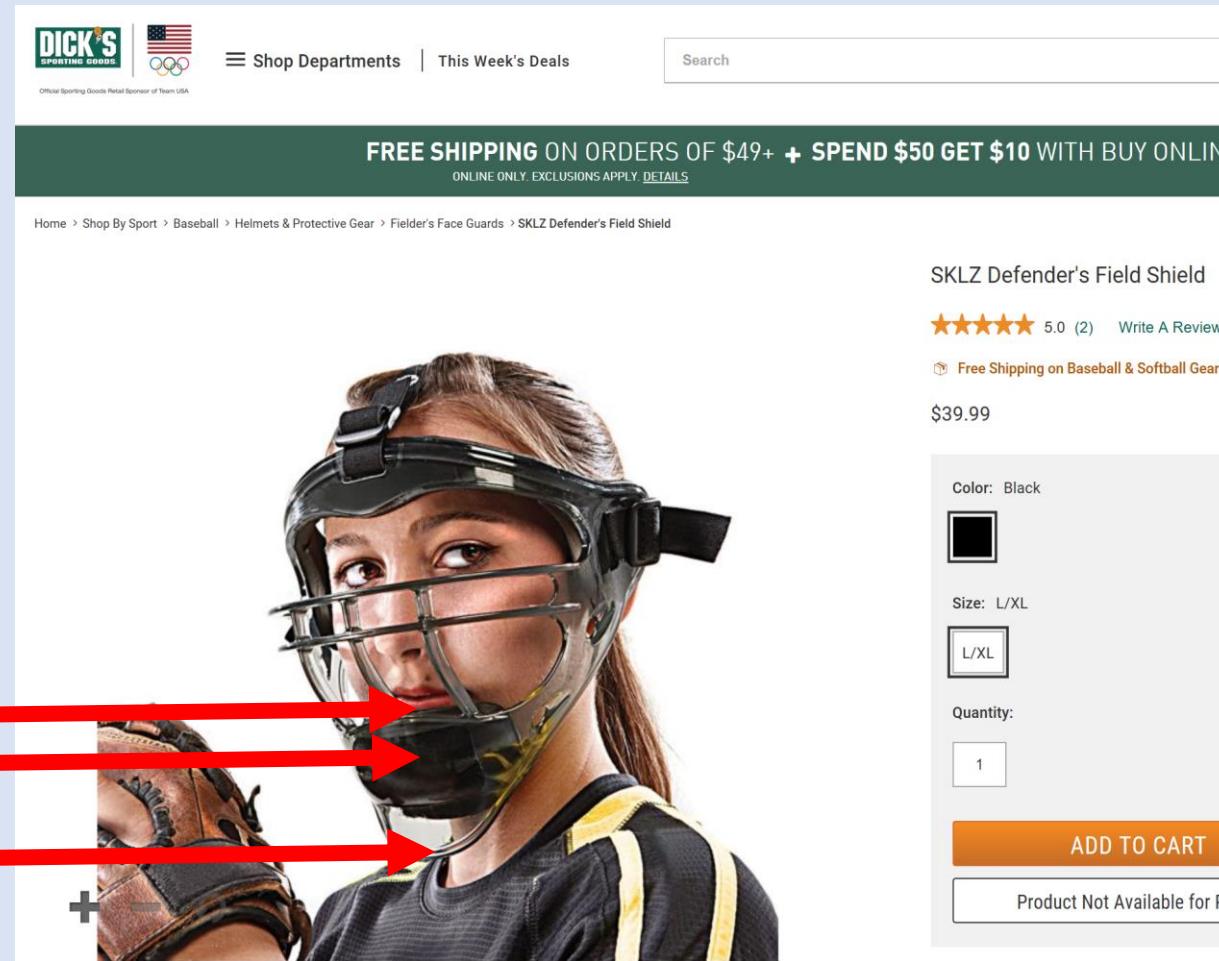
“Relative to” – Corresponding to, See <https://www.collinsdictionary.com/dictionary/english/relative-to>

**Claim 2**

The face guard as claimed in claim 1, said chin guard being coupled between the chin bar and the chin pad.

**U.S. Patent No. 6,499,139**

Defendant sells the face guard as claimed in claim 1, with said chin guard being coupled between the chin bar and the chin pad.



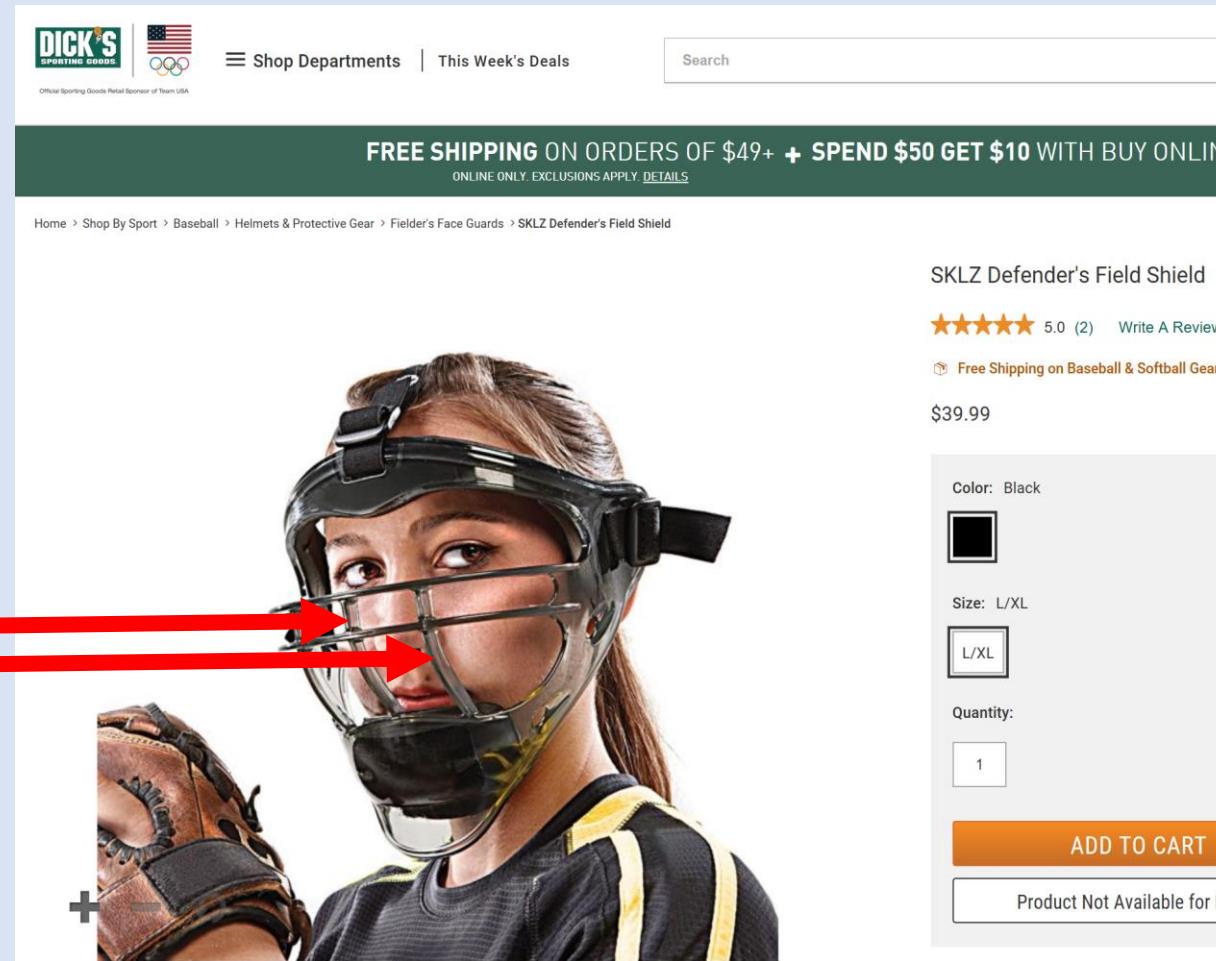
**Claim 3**

The face guard as claimed in claim 1, each of said plurality of risers being contiguous with at least one other riser.

**Contiguous:** next to or touching another, usually similar, thing:  
<https://dictionary.cambridge.org/us/dictionary/english/contiguous>

**U.S. Patent No. 6,499,139**

Defendant sells the face guard as claimed in claim 1, with each of said plurality of risers being contiguous with at least one other riser.

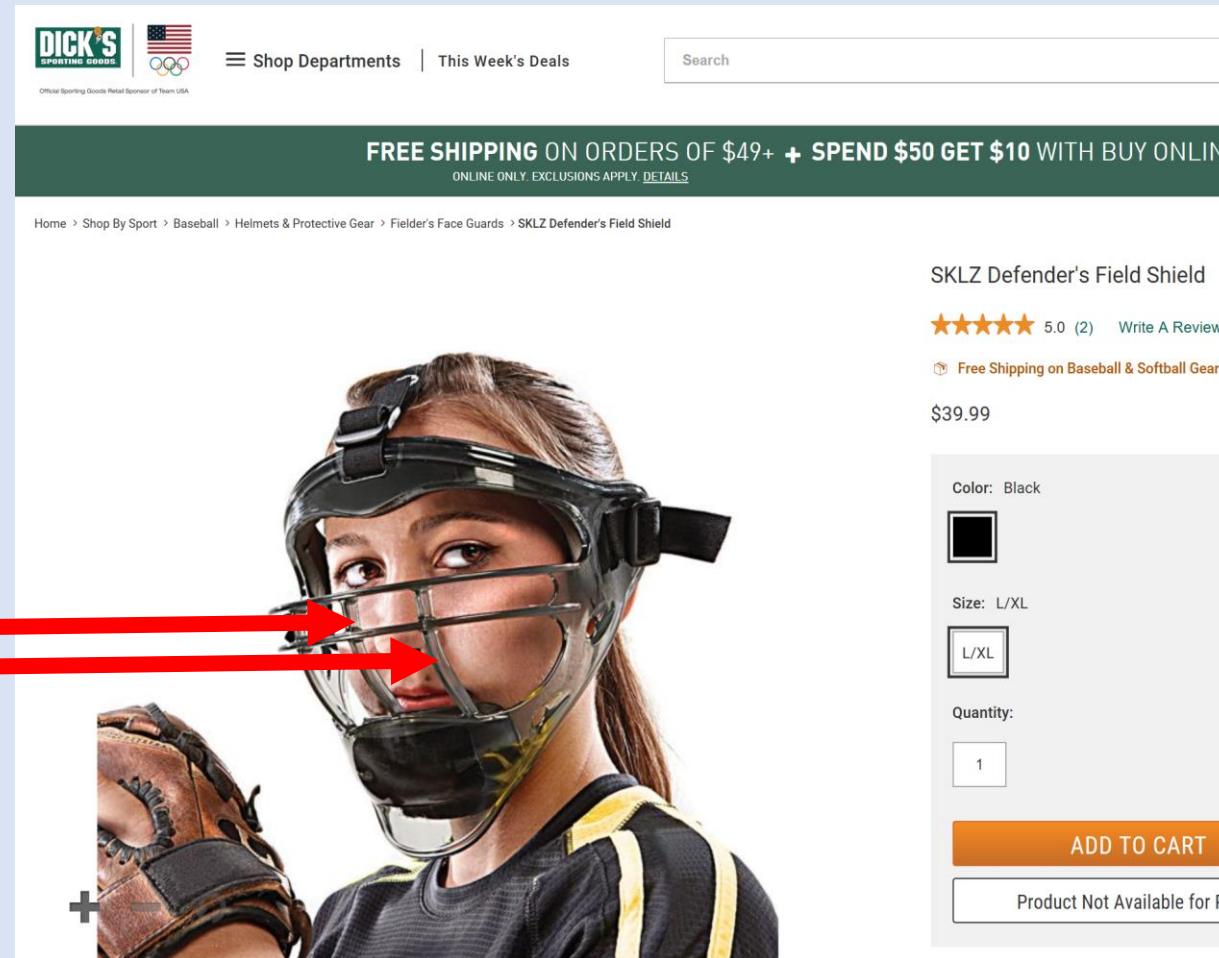


**Claim 4**

the face guard as claimed in claim 3, said plurality of risers being integrally formed.

**U.S. Patent No. 6,499,139**

Defendant sells the face guard as claimed in claim 3, said plurality of risers being integrally formed.



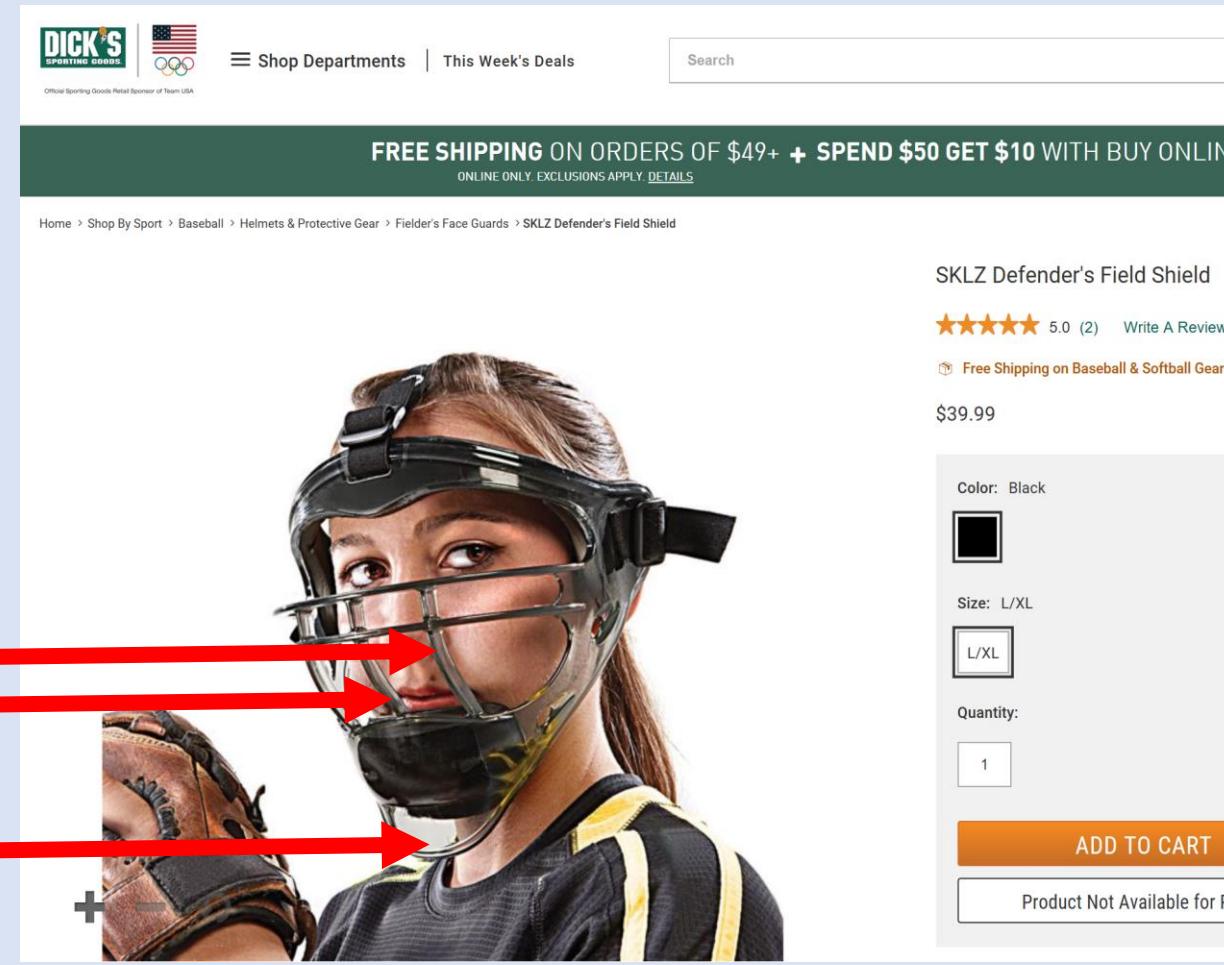
**Claim 5**

the face guard as claimed in claim 4, said chin bar being integrally formed with said plurality of risers.

**U.S. Patent No. 6,499,139**

Defendant sells the face guard as claimed in claim 4, said chin bar being integrally formed with said plurality of risers.

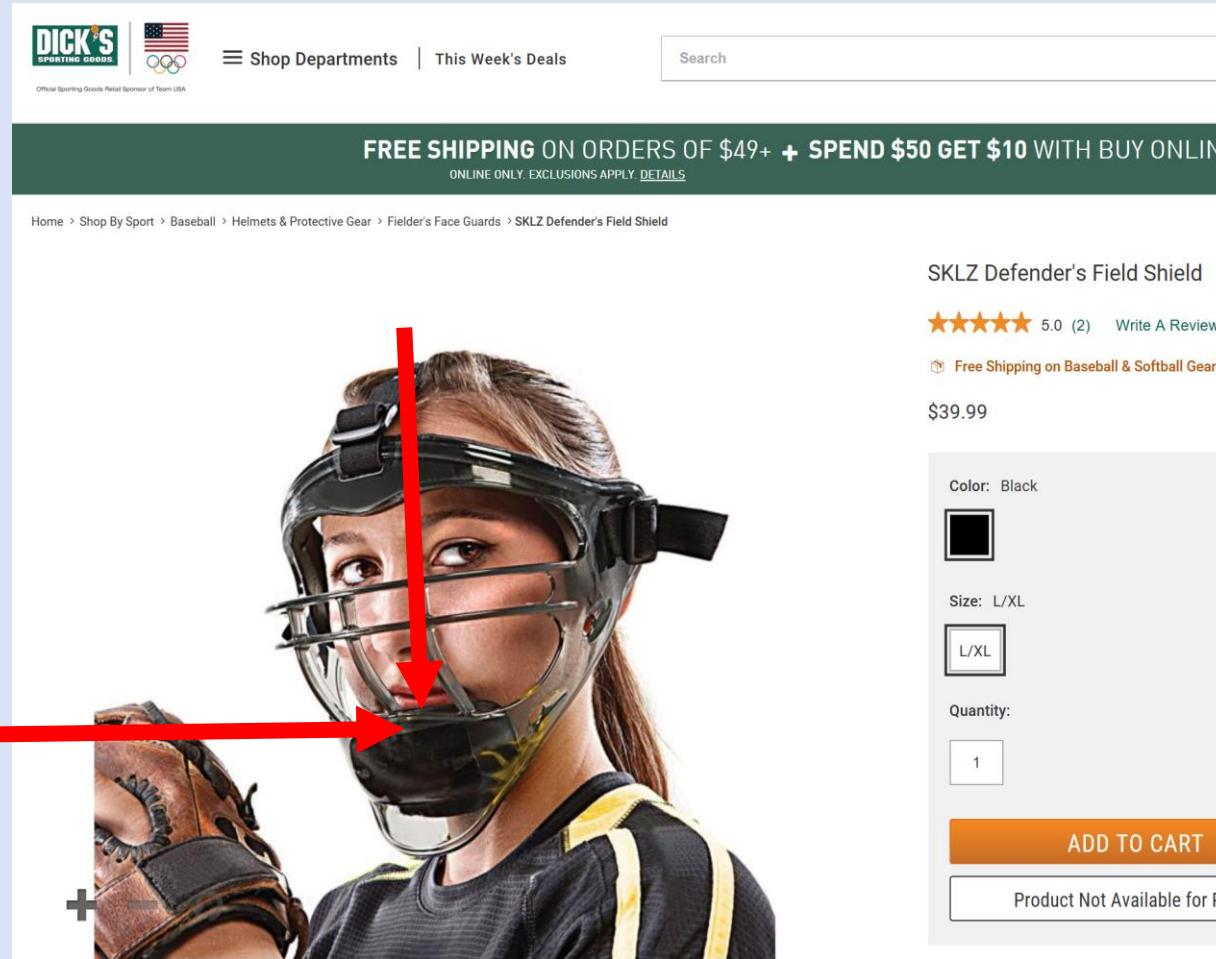
**Integral:** formed of constituent parts; united.  
<http://dictionary.reverso.net/english-definition/%29+integrally+formed>



**Claim 6****U.S. Patent No. 6,499,139**

The face guard as claimed in claim 1, said brow pad being connected to one of said crossbars.

Defendant sells the face guard as claimed in claim 1, said brow pad being connected to one of said crossbars.

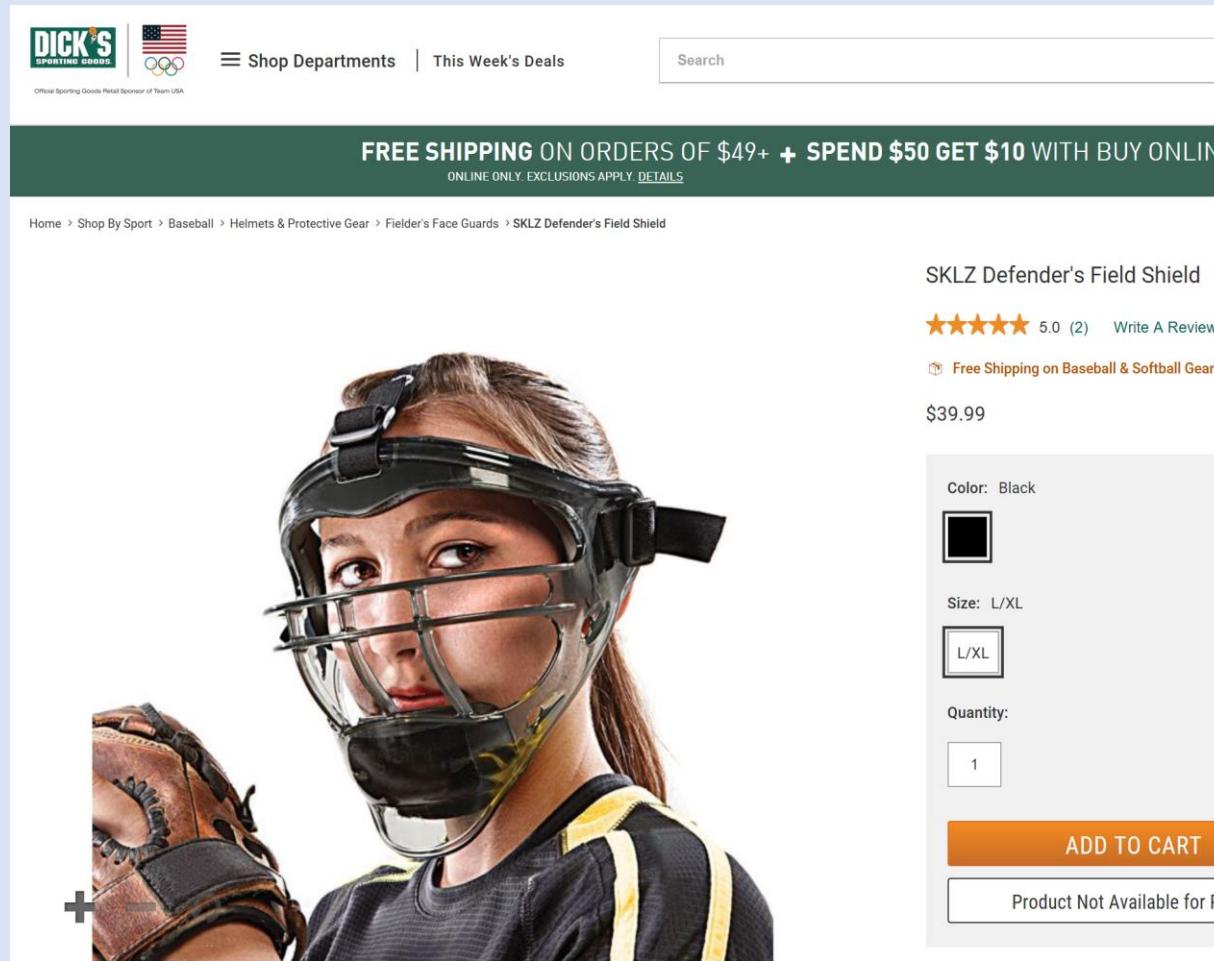


**Claim 7**

A face guard for protecting a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player, the face guard comprising:

**U.S. Patent No. 6,499,139**

Defendant sells a face guard for protecting a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player, the face guard comprising:

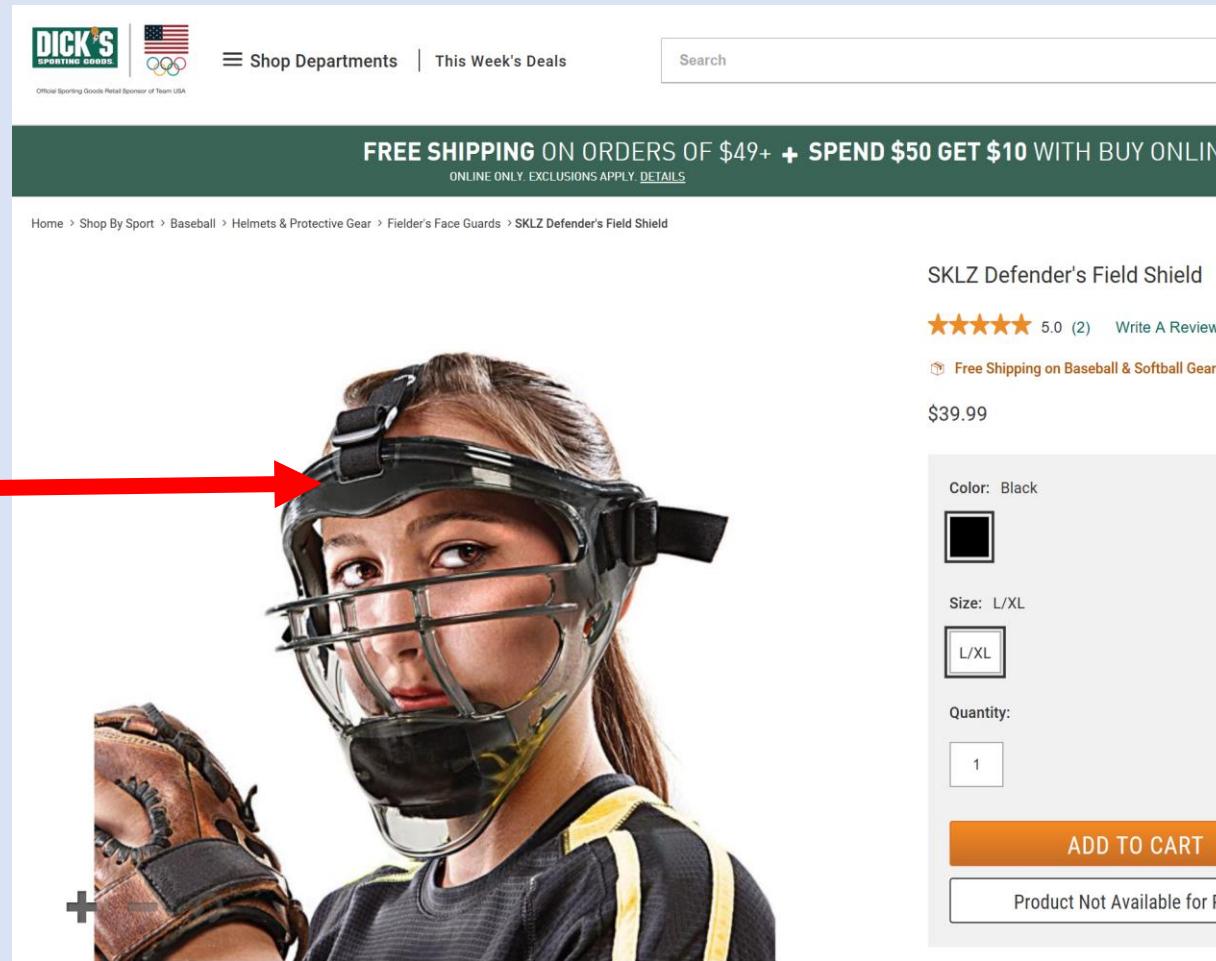


**Claim 7**

an open framework configured to prevent a baseball from contacting the player's face when the guard is donned,

**U.S. Patent No. 6,499,139**

Defendant sells a face guard with an open framework configured to prevent a baseball from contacting the player's face when the guard is donned,

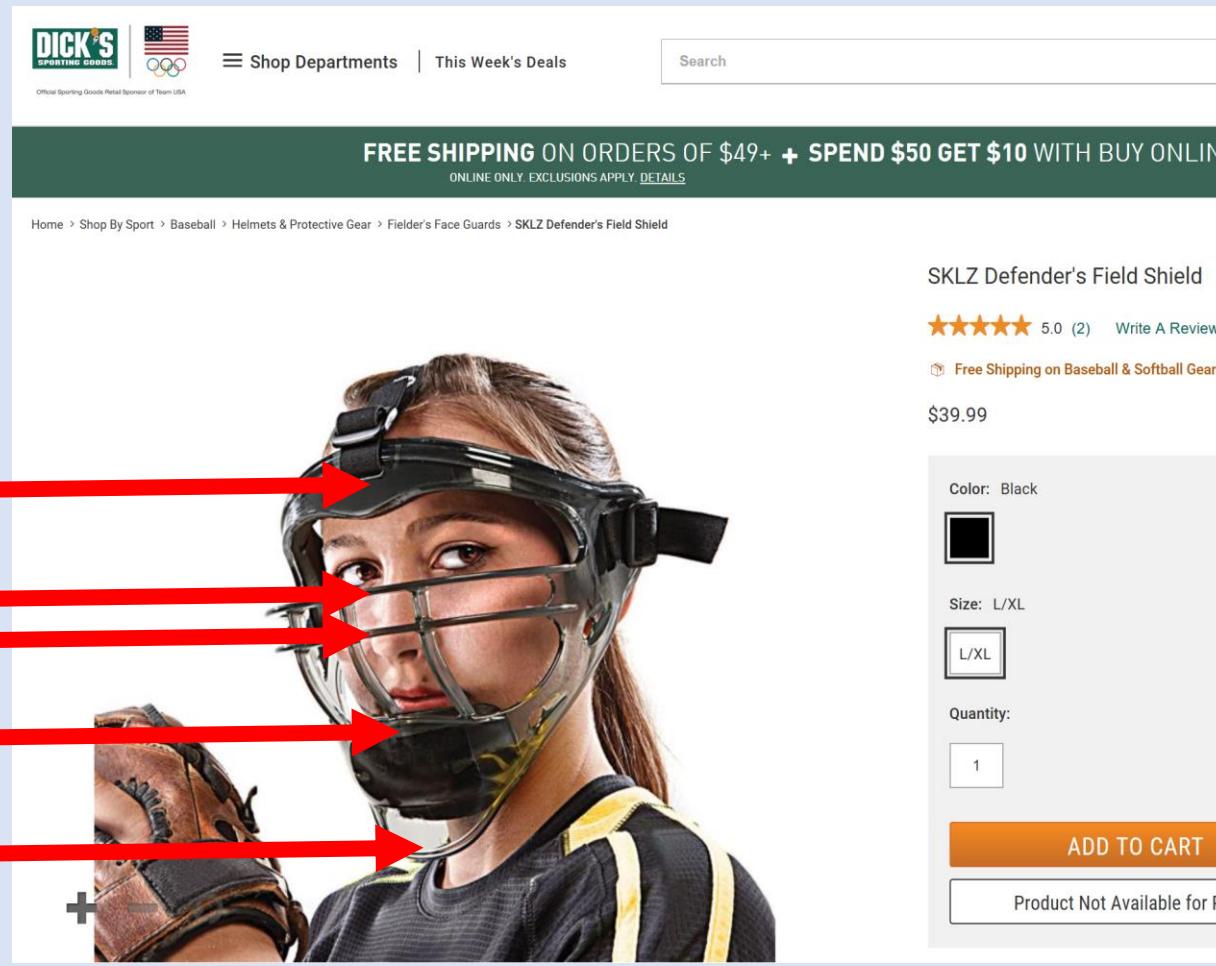


**Claim 7**

said framework including a plurality of vertically spaced crossbars extending across the player's face when the guard is donned,

**U.S. Patent No. 6,499,139**

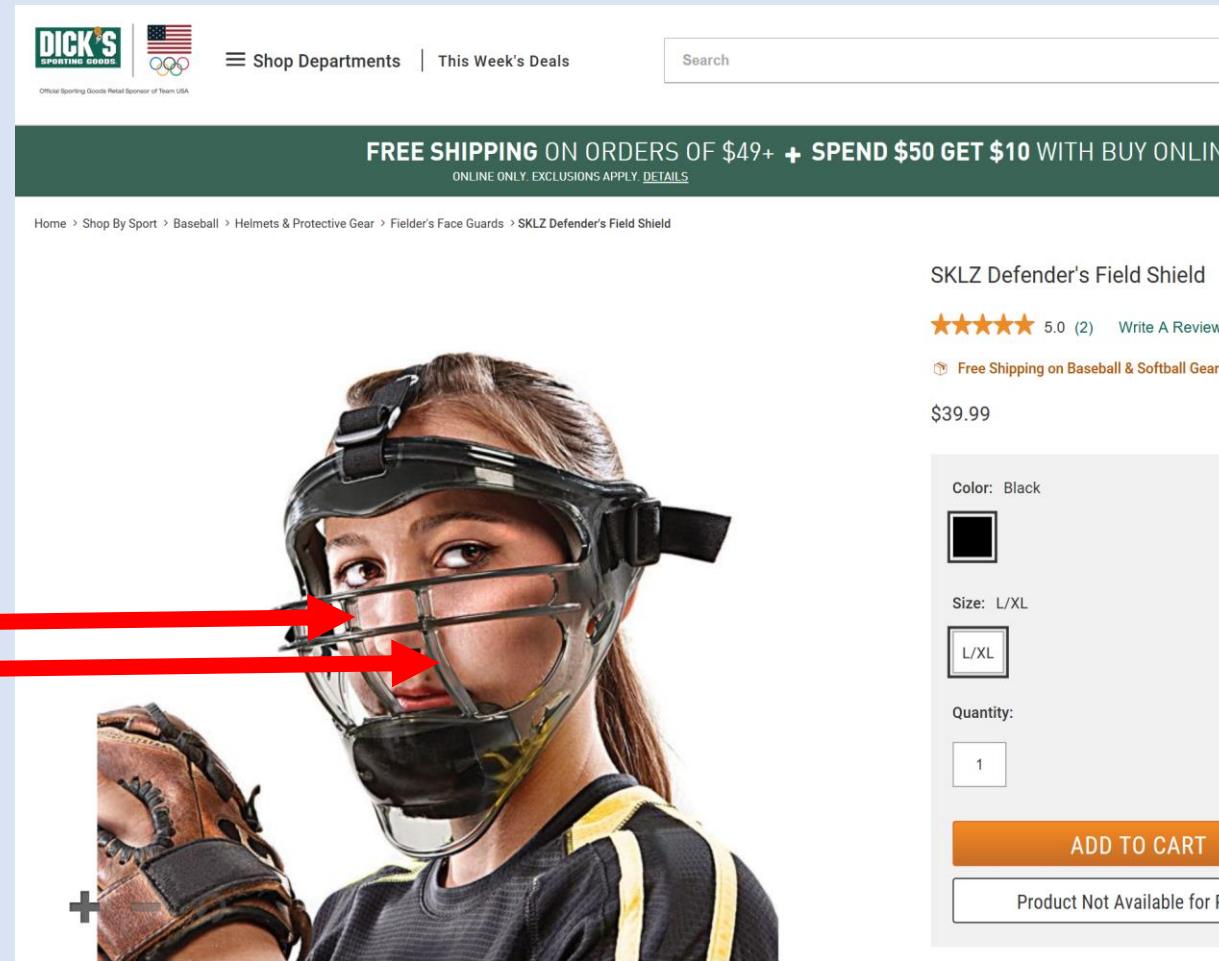
Defendant sells a face guard with said framework including a plurality of vertically spaced crossbars extending across the player's face when the guard is donned,



**Claim 7****U.S. Patent No. 6,499,139**

said framework further including a plurality of risers interconnecting the crossbars,

Defendant sells a face guard with said framework further including a plurality of risers interconnecting the crossbars,

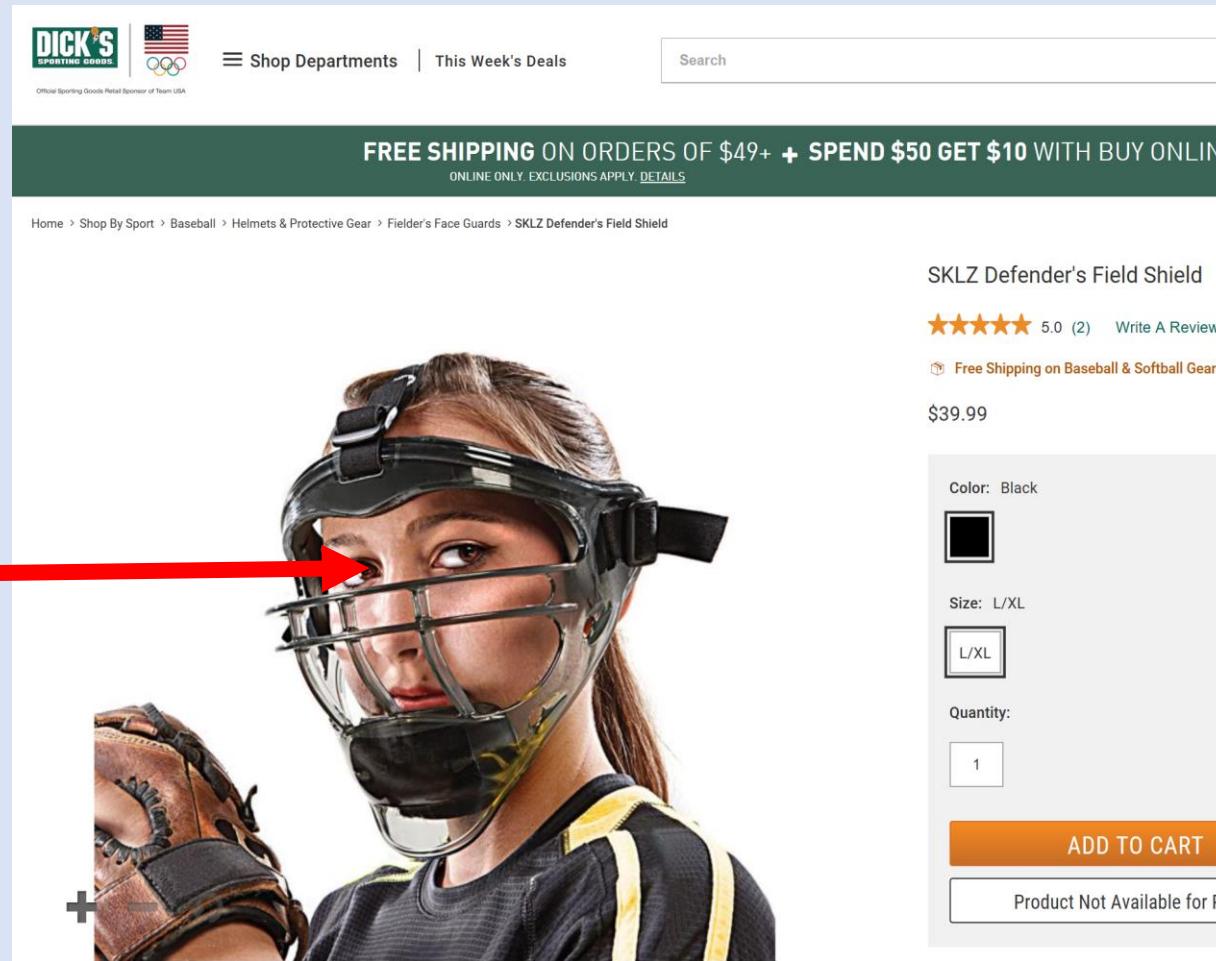


**Claim 7**

said framework being positioned, when the guard is donned, outside of the player's generally horizontal line of sight;

**U.S. Patent No. 6,499,139**

Defendant sells a face guard with said framework being positioned, when the guard is donned, outside of the player's generally horizontal line of sight;

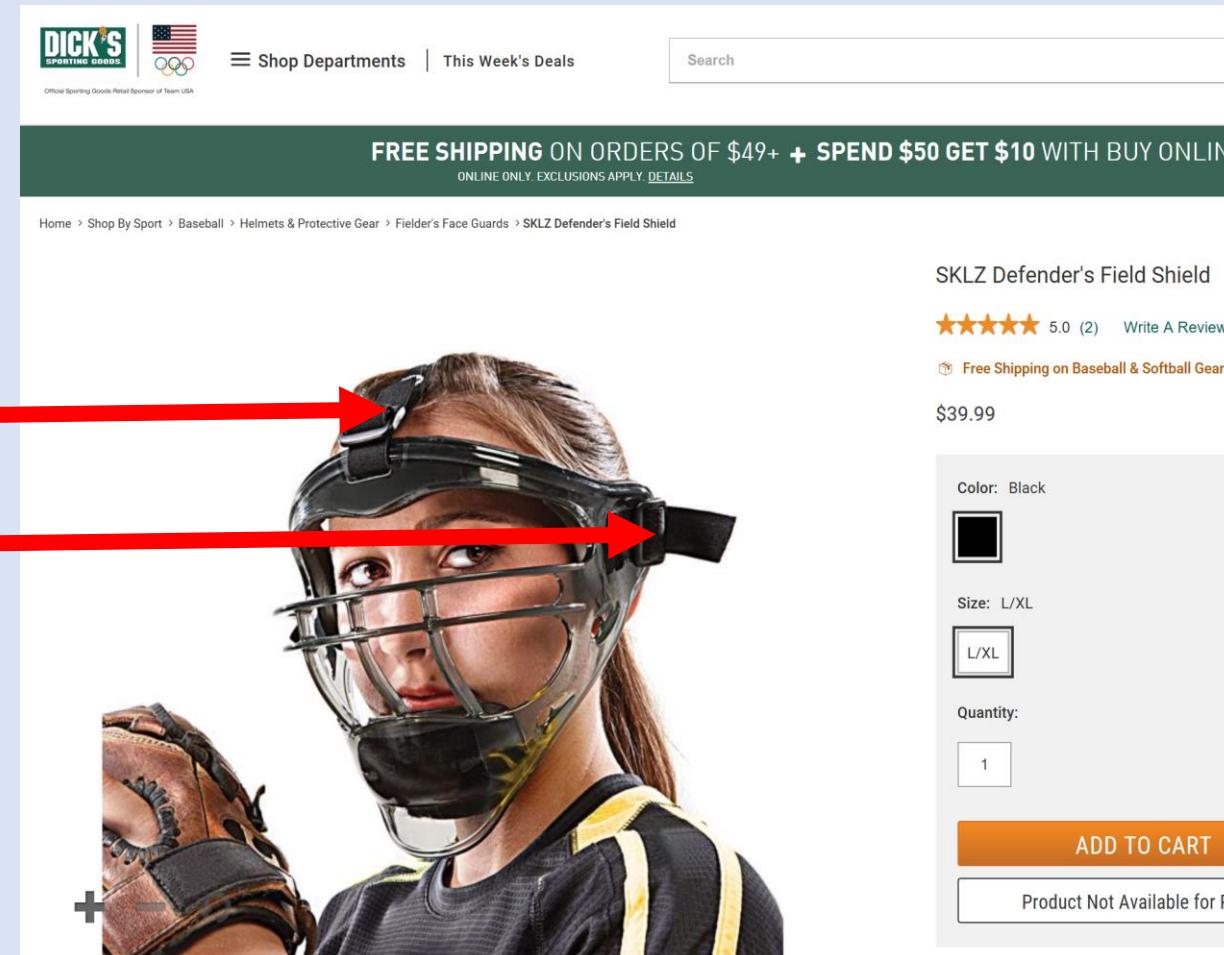
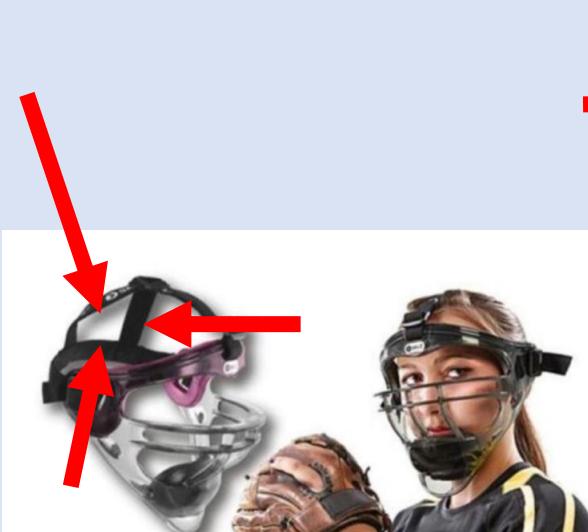


**Claim 7**

a plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned,

**U.S. Patent No. 6,499,139**

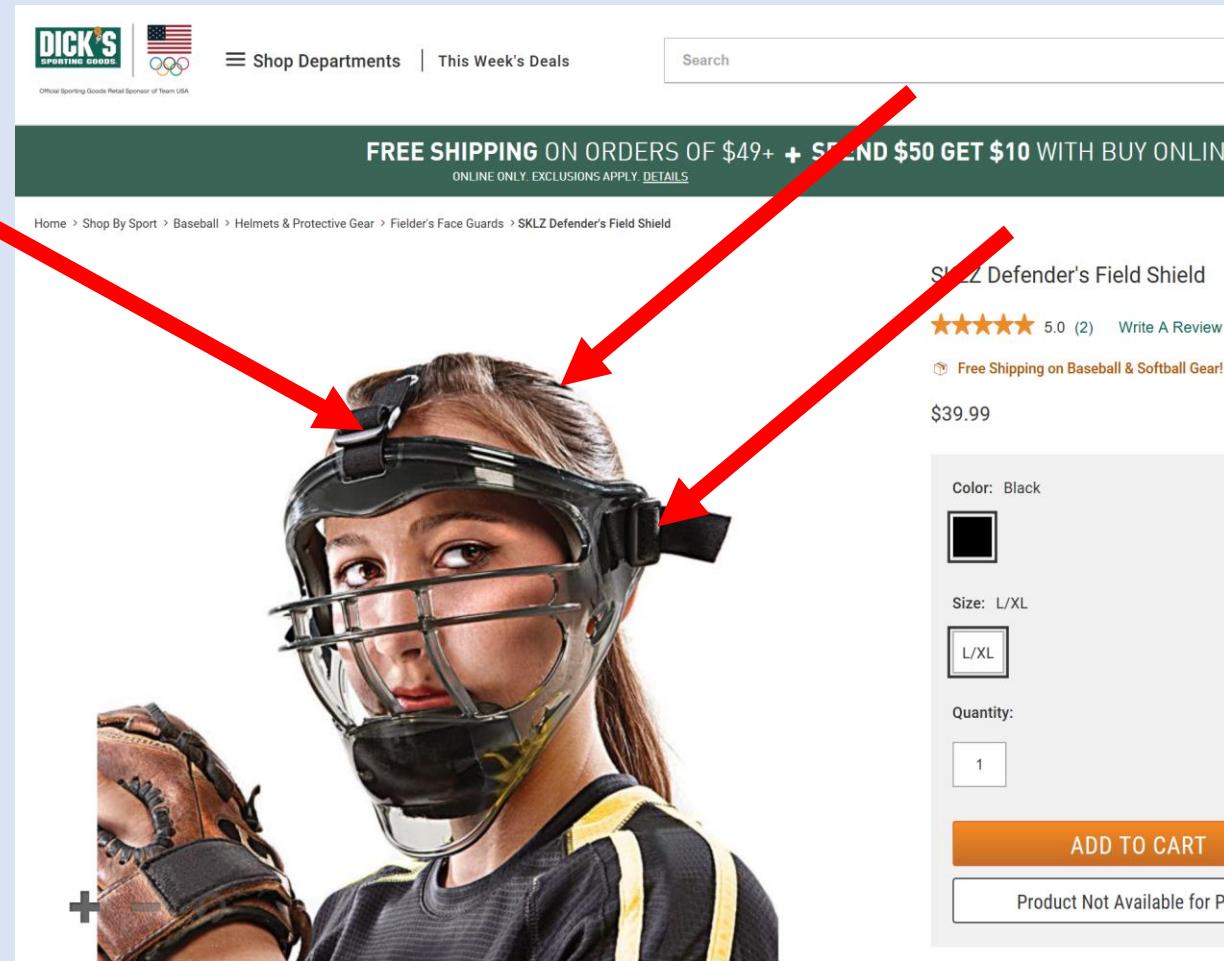
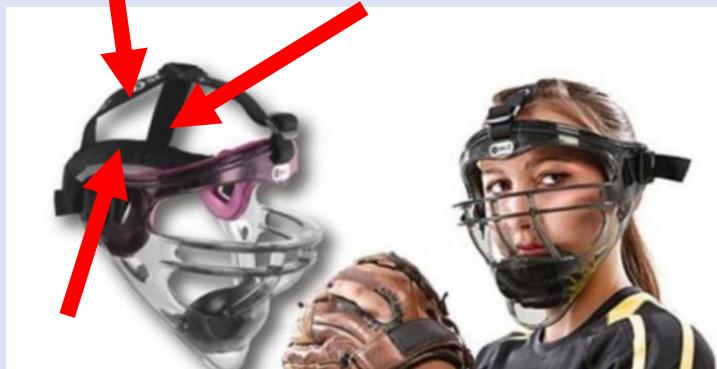
Defendant sells a face guard with a plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned,



**Claim 7****U.S. Patent No. 6,499,139**

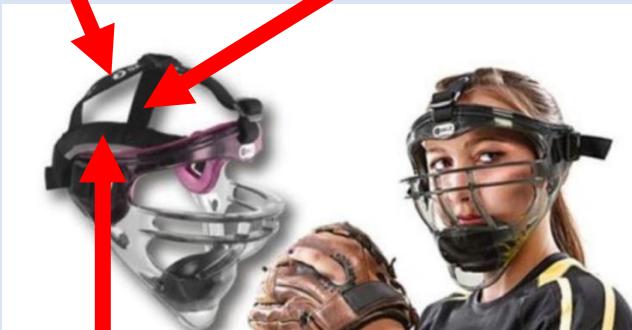
said straps including a positioning strap and a securing strap,

Defendant sells a face guard with said straps including a positioning strap and a securing strap,

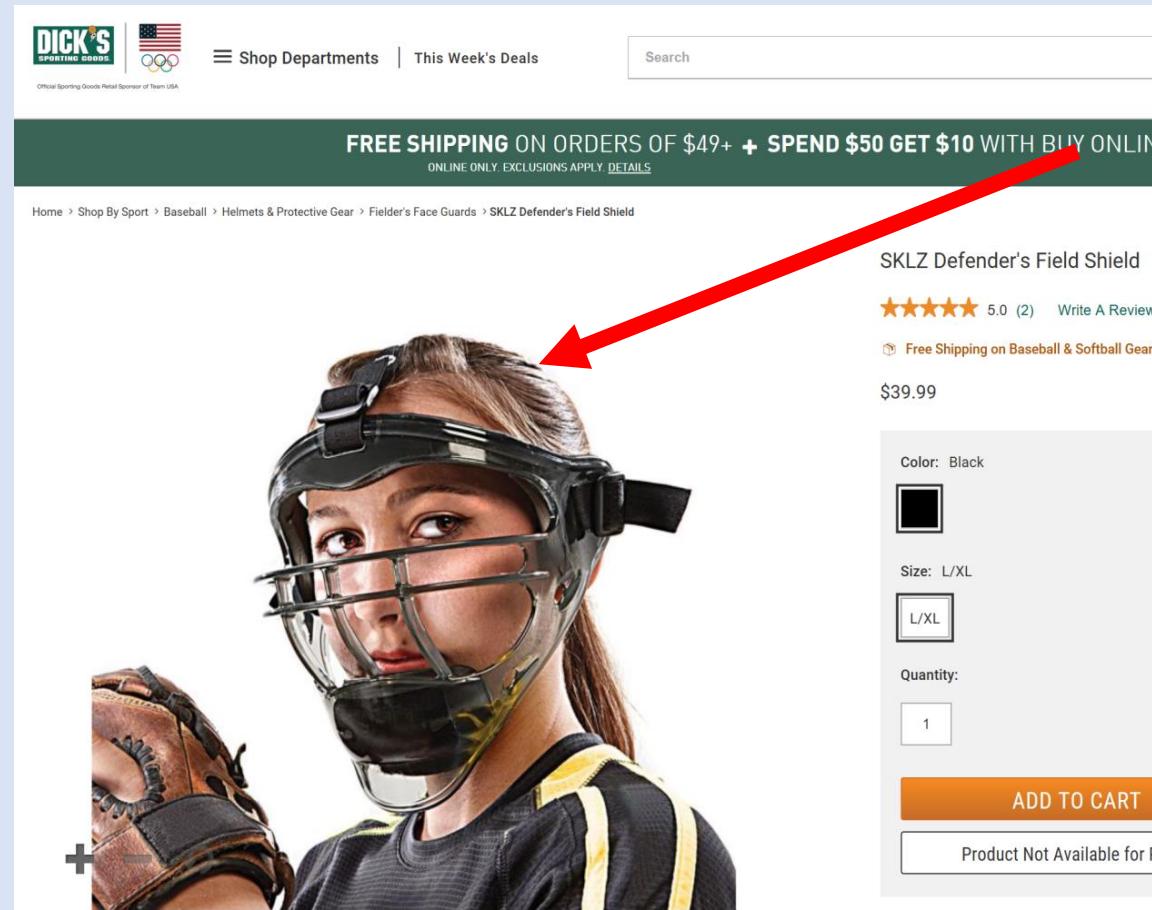


**Claim 7**

Said positioning strap being continuous and stretchable and configured to extend around the player's head and thereby position the guard on the player's face when the guard is donned,

**U.S. Patent No. 6,499,139**

Defendant sells a face guard with said positioning strap being continuous and stretchable and configured to extend around the player's head and thereby position the guard on the player's face when the guard is donned,

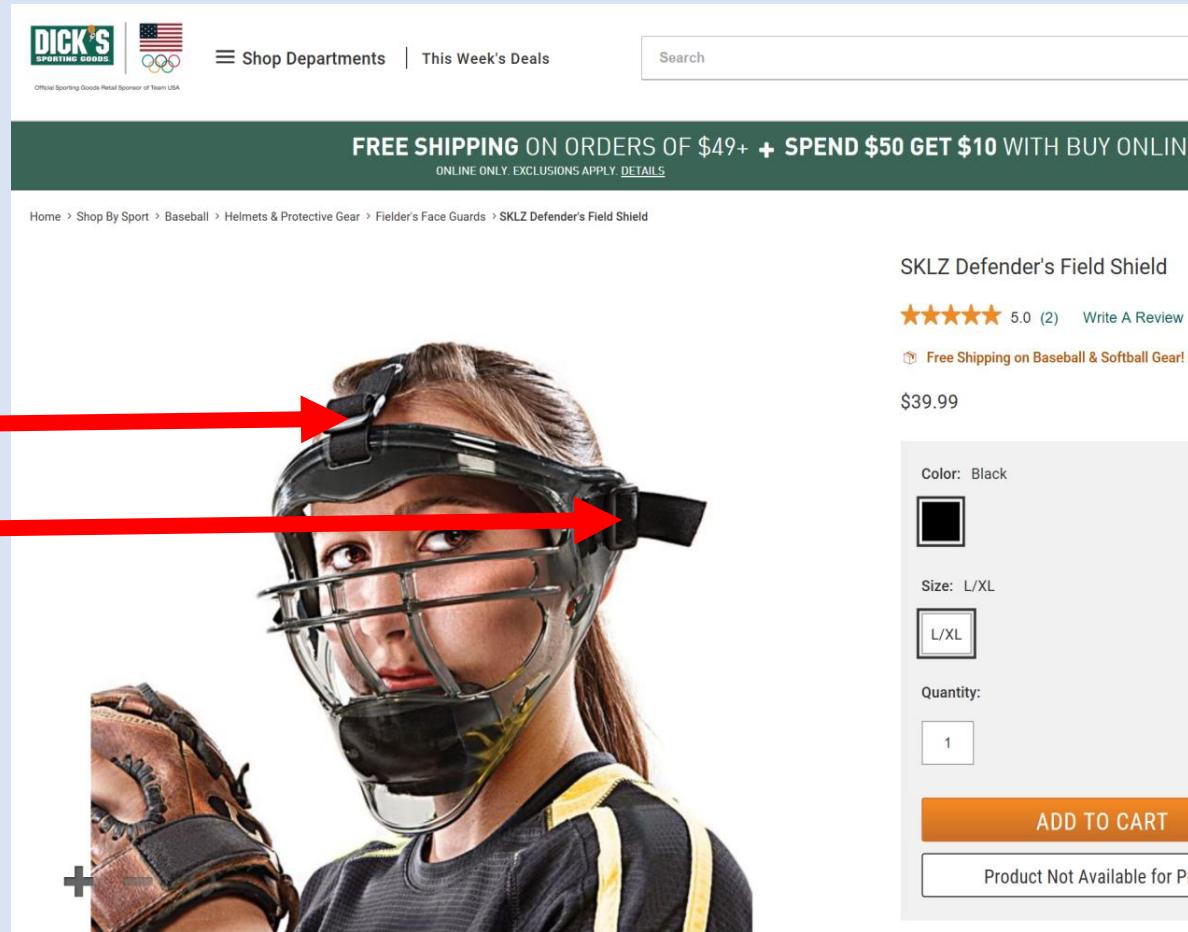


**Claim 7**

said securing strap being adjustable and configured to snugly enclose the player's head and thereby secure the guard on the player's face once the guard is positioned on the player's face; and

**U.S. Patent No. 6,499,139**

Defendant sells a face guard with said securing strap being adjustable and configured to snugly enclose the player's head and thereby secure the guard on the player's face once the guard is positioned on the player's face; and

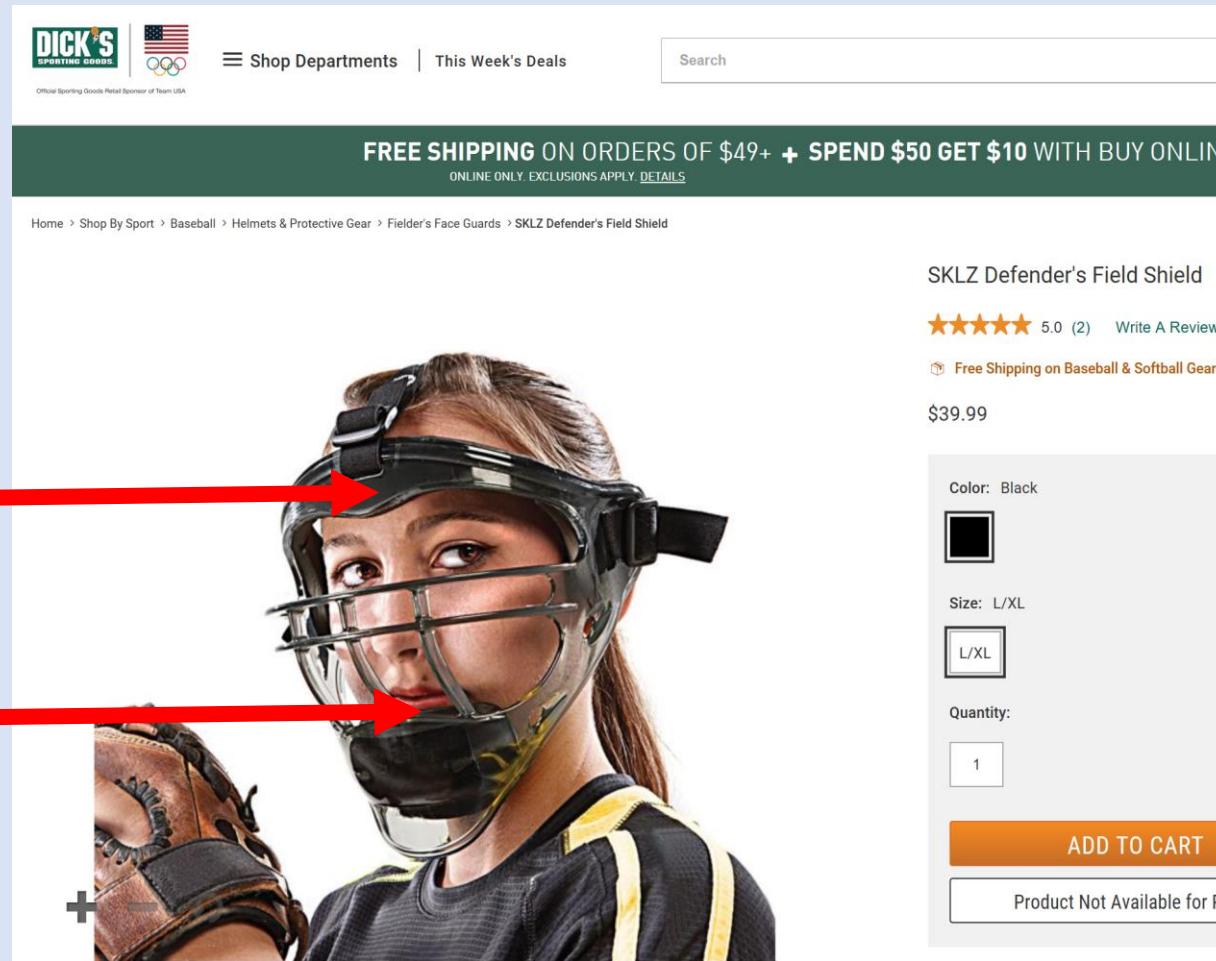


**Claim 7**

compressible padding connected to the framework and configured to contact the player and thereby space the framework from the face when the guard is donned,

**U.S. Patent No. 6,499,139**

Defendant sells a face guard with compressible padding connected to the framework and configured to contact the player and thereby space the framework from the face when the guard is donned,

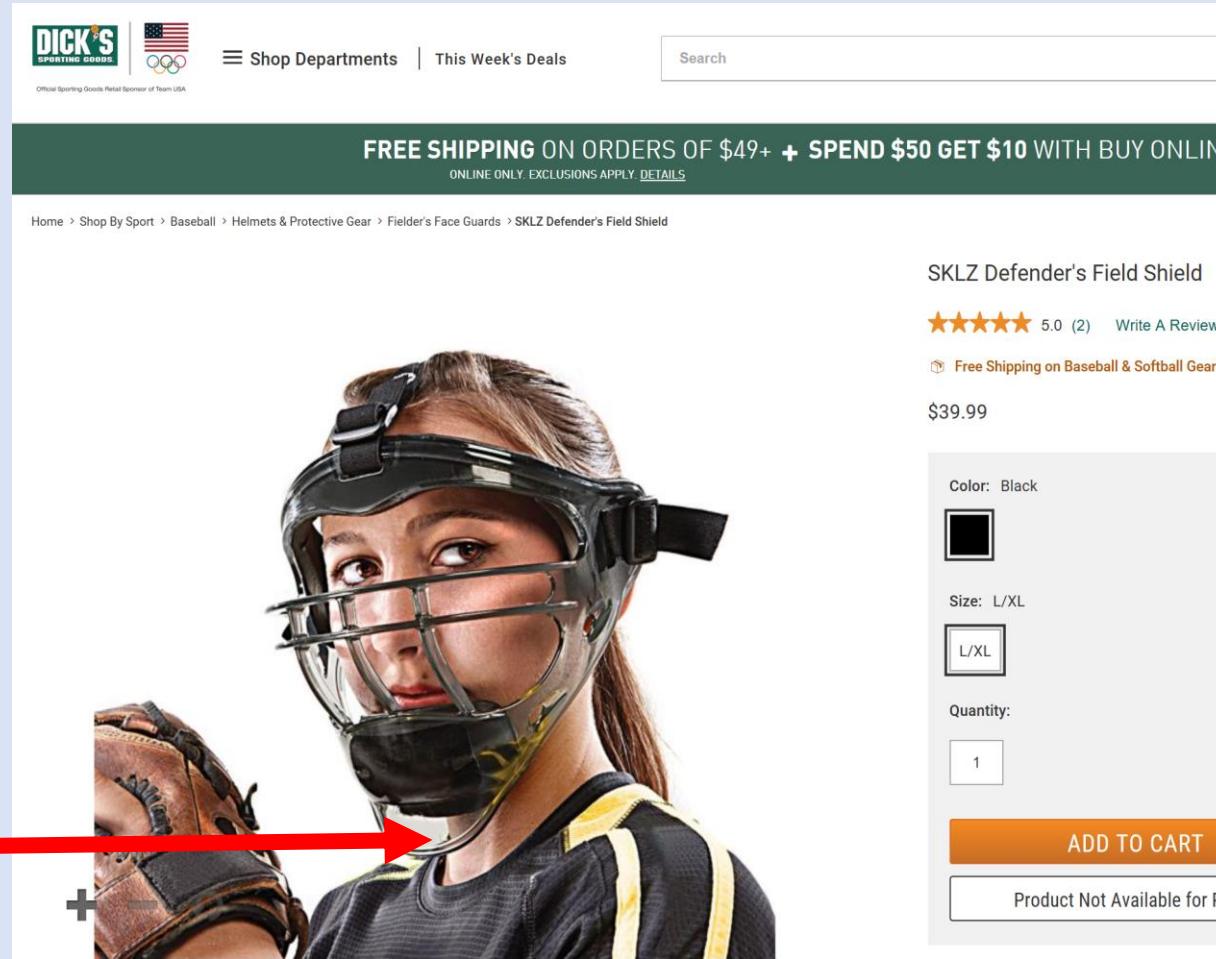


**Claim 7**

said framework including a chin bar extending below the chin of the player when the guard is donned,

**U.S. Patent No. 6,499,139**

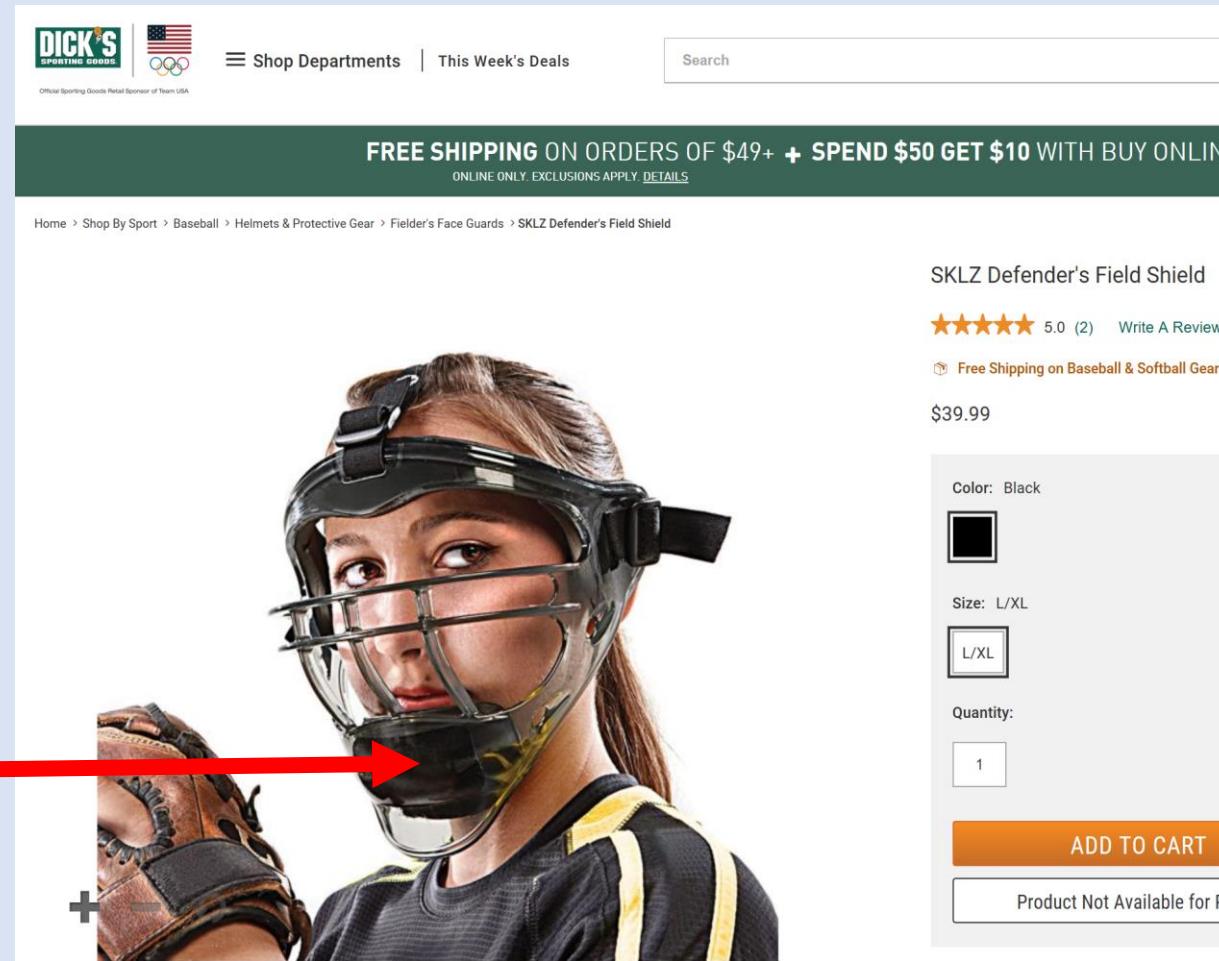
Defendant sells a face guard with said framework including a chin bar extending below the chin of the player when the guard is donned,



**Claim 7****U.S. Patent No. 6,499,139**

said framework including a chin guard;

Defendant sells a face guard with said framework including a chin guard;

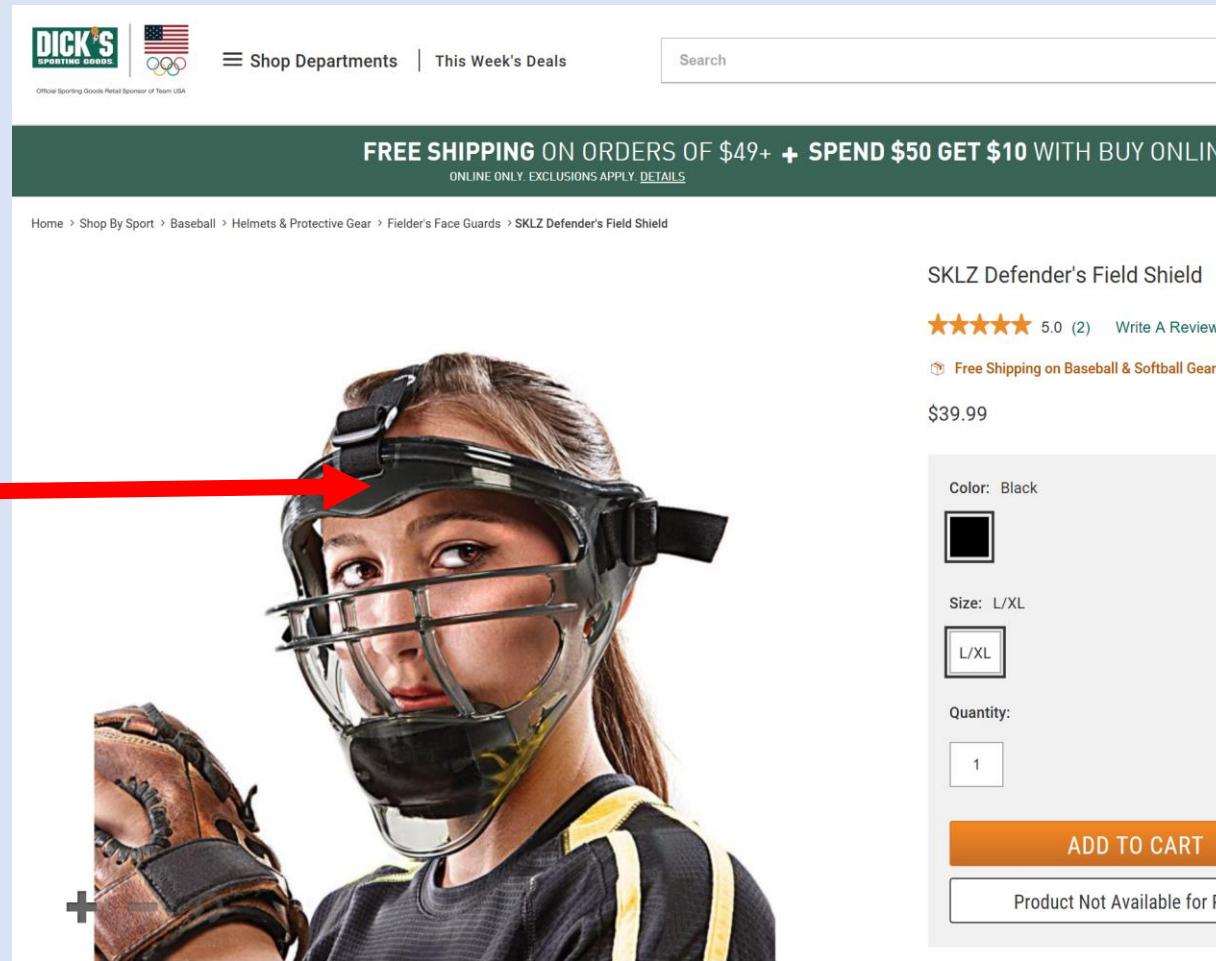


**Claim 7**

said compressible padding including a brow pad extending laterally across the face and configured to contact the brow of the player when the guard is donned.

**U.S. Patent No. 6,499,139**

Defendant sells a face guard with said compressible padding including a brow pad extending laterally across the face and configured to contact the brow of the player when the guard is donned.

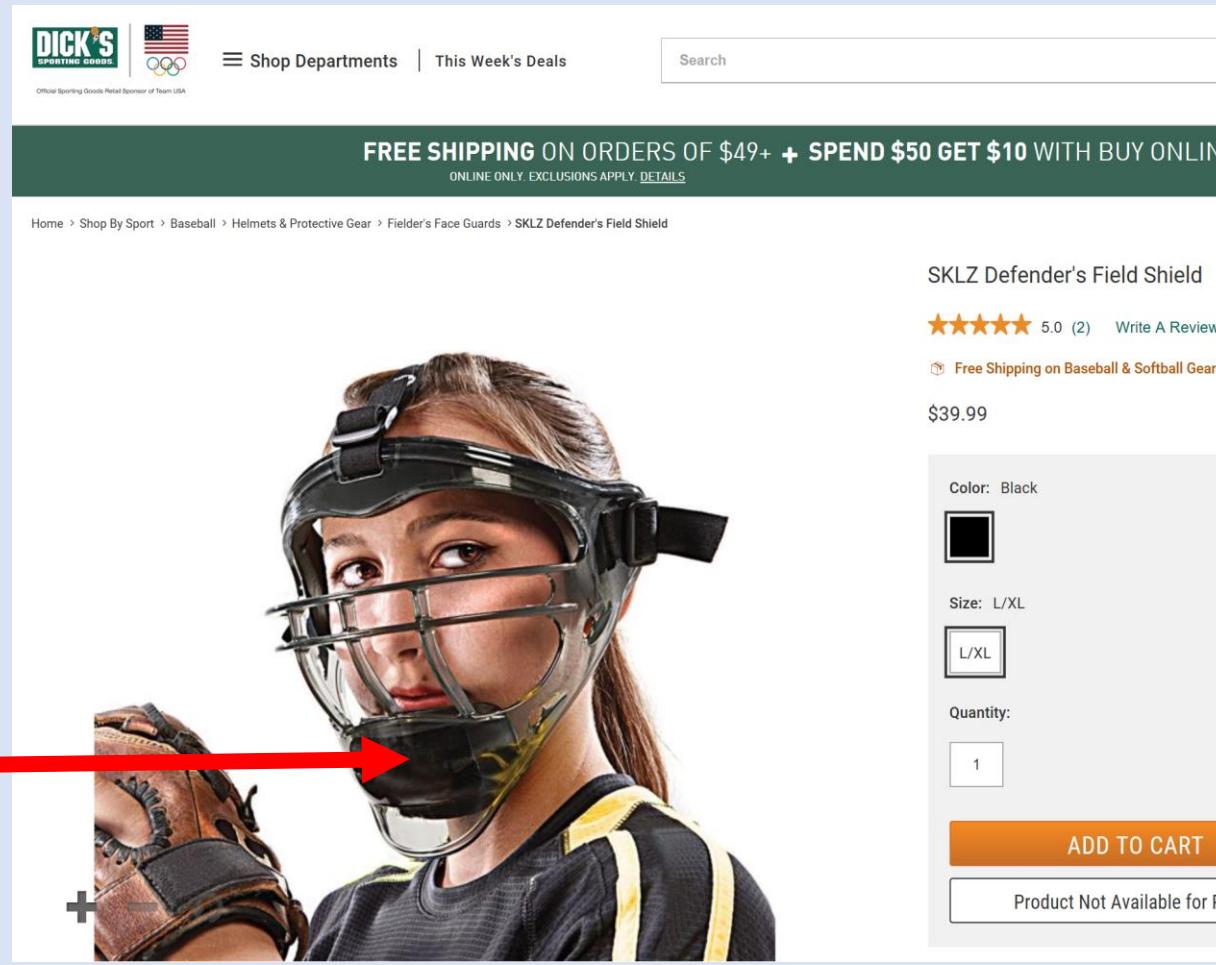


**Claim 7**

said compressible padding including a chin pad extending vertically along the face and configured to contact the chin of the player when the guard is donned.

**U.S. Patent No. 6,499,139**

Defendant sells a face guard with said compressible padding including a chin pad extending vertically along the face and configured to contact the chin of the player when the guard is donned.

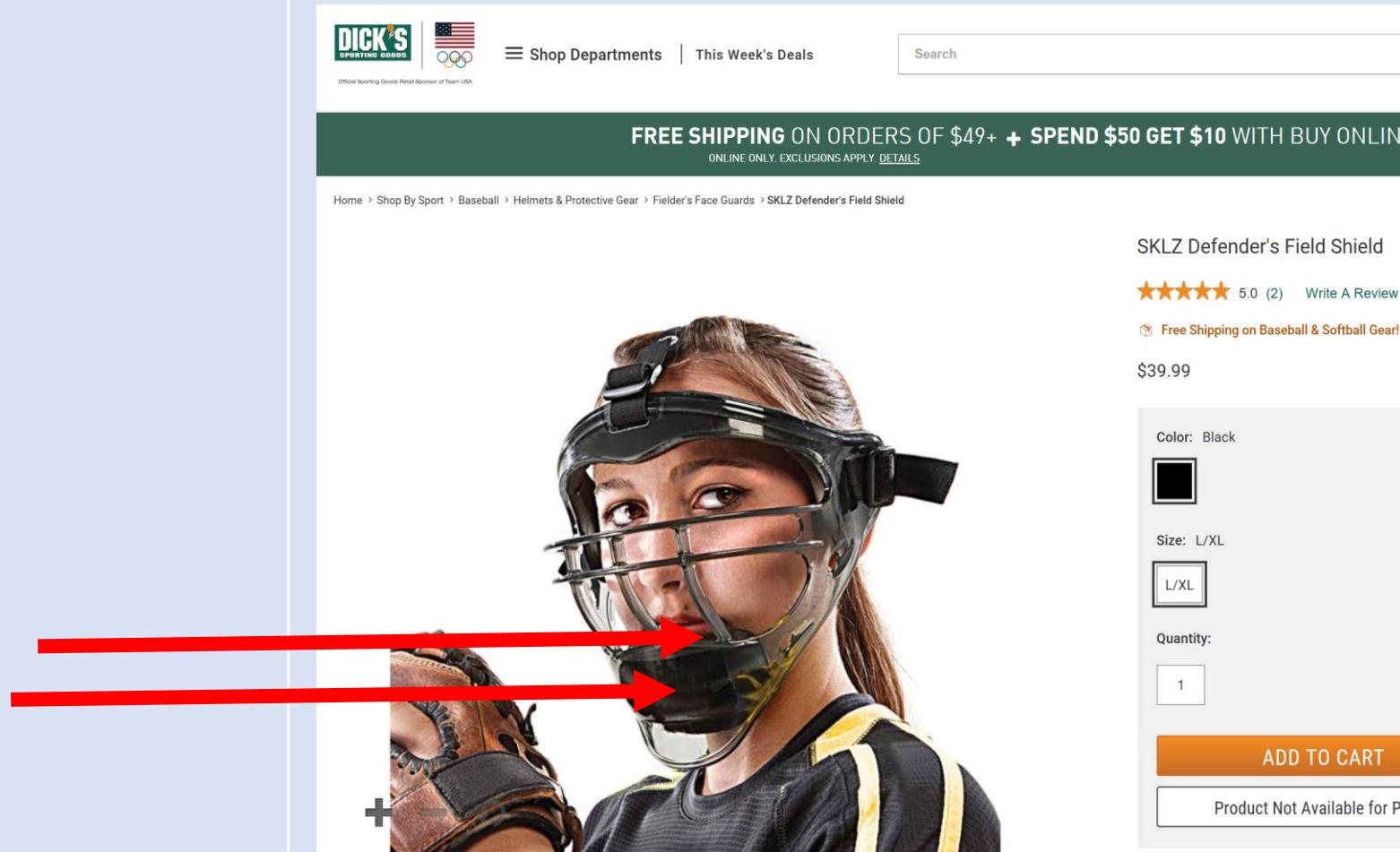


**Claim 7**

said chin pad being integrally formed with said chin guard;

**U.S. Patent No. 6,499,139**

Defendant sells a face guard with said chin pad being integrally formed with said chin guard;

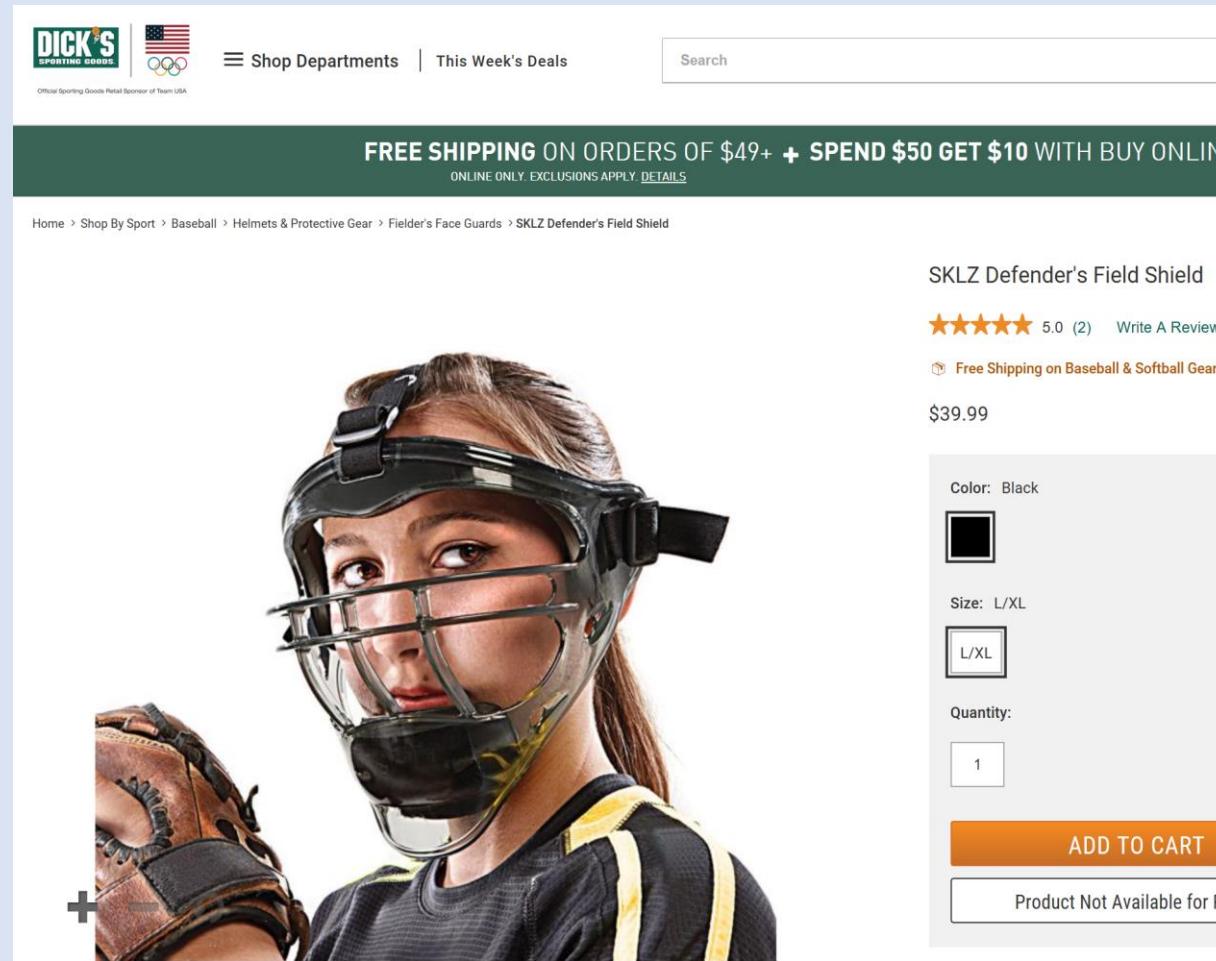


**Claim 10**

A face guard for protecting a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player, the face guard comprising:

**U.S. Patent No. 6,499,139**

Defendant sells a face guard for protecting a baseball player's face from a baseball without restricting the player's generally horizontal line of sight when the guard is donned by the player, the face guard comprising:

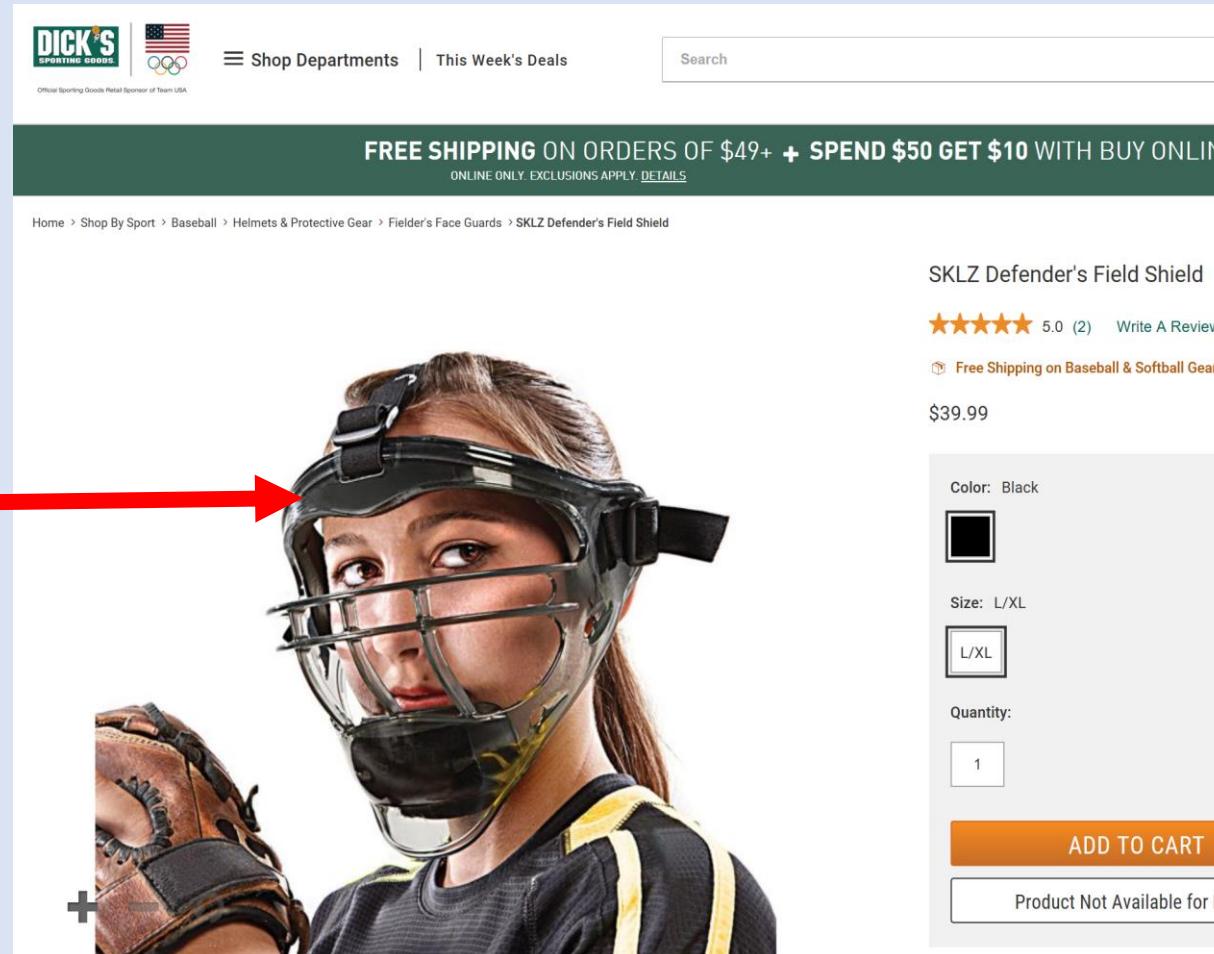


**Claim 10**

an open framework configured to prevent a baseball from contacting the player's face when the guard is donned,

**U.S. Patent No. 6,499,139**

Defendant sells a face guard with an open framework configured to prevent a baseball from contacting the player's face when the guard is donned,

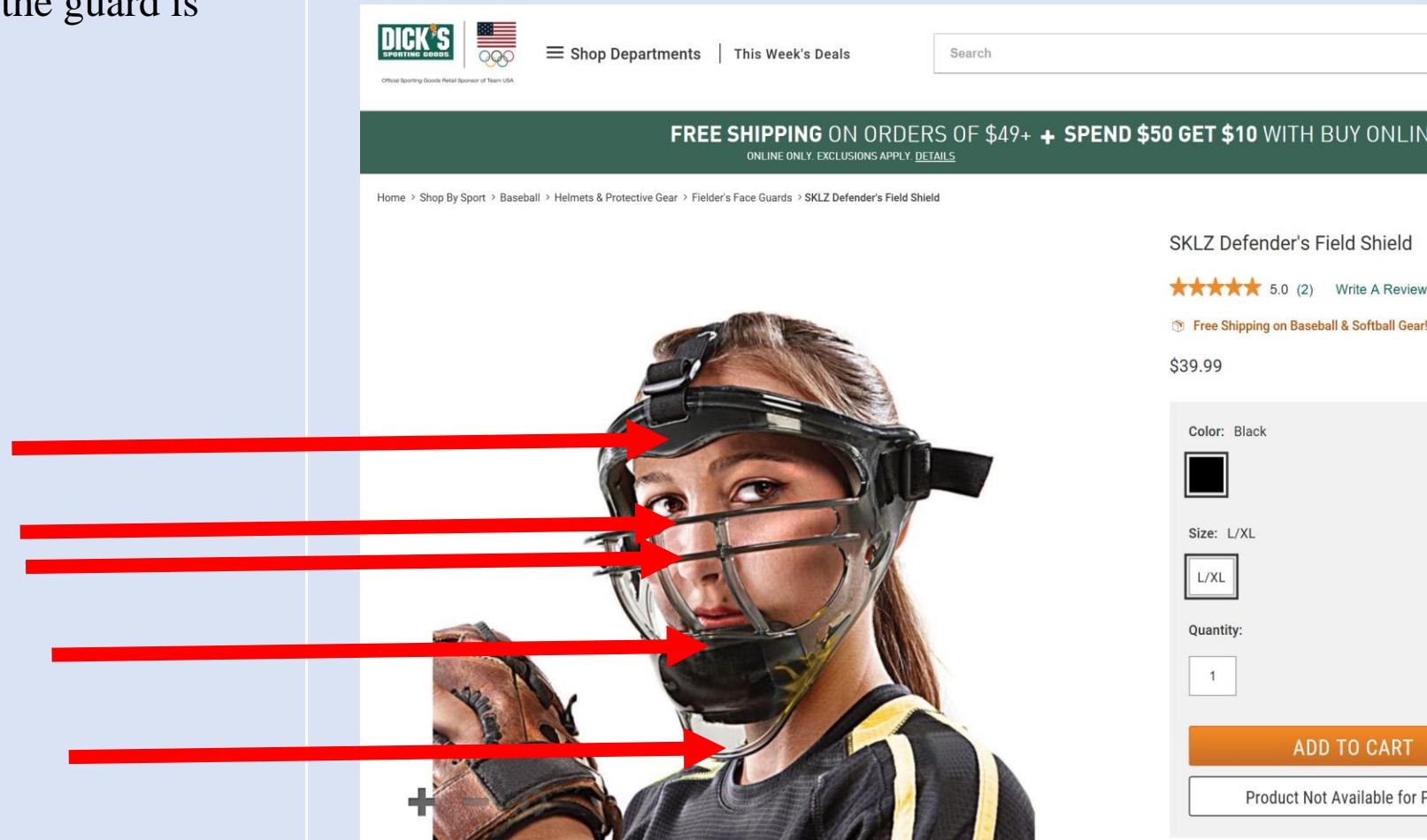


**Claim 10**

said framework including a plurality of vertically spaced crossbars extending across the player's face when the guard is donned,

**U.S. Patent No. 6,499,139**

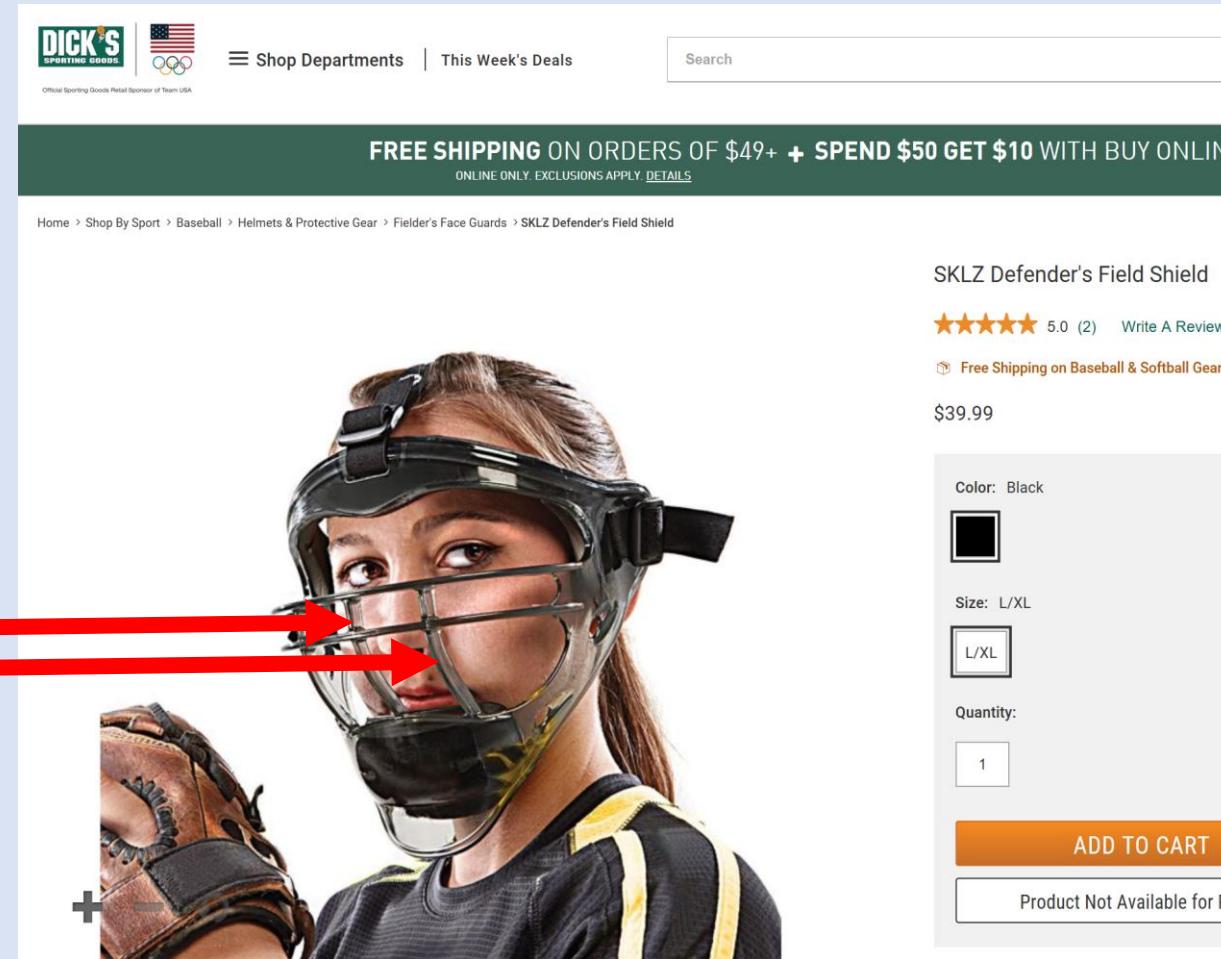
Defendant sells a face guard with said framework including a plurality of vertically spaced crossbars extending across the player's face when the guard is donned,



**Claim 10****U.S. Patent No. 6,499,139**

said framework further including a plurality of risers interconnecting the crossbars,

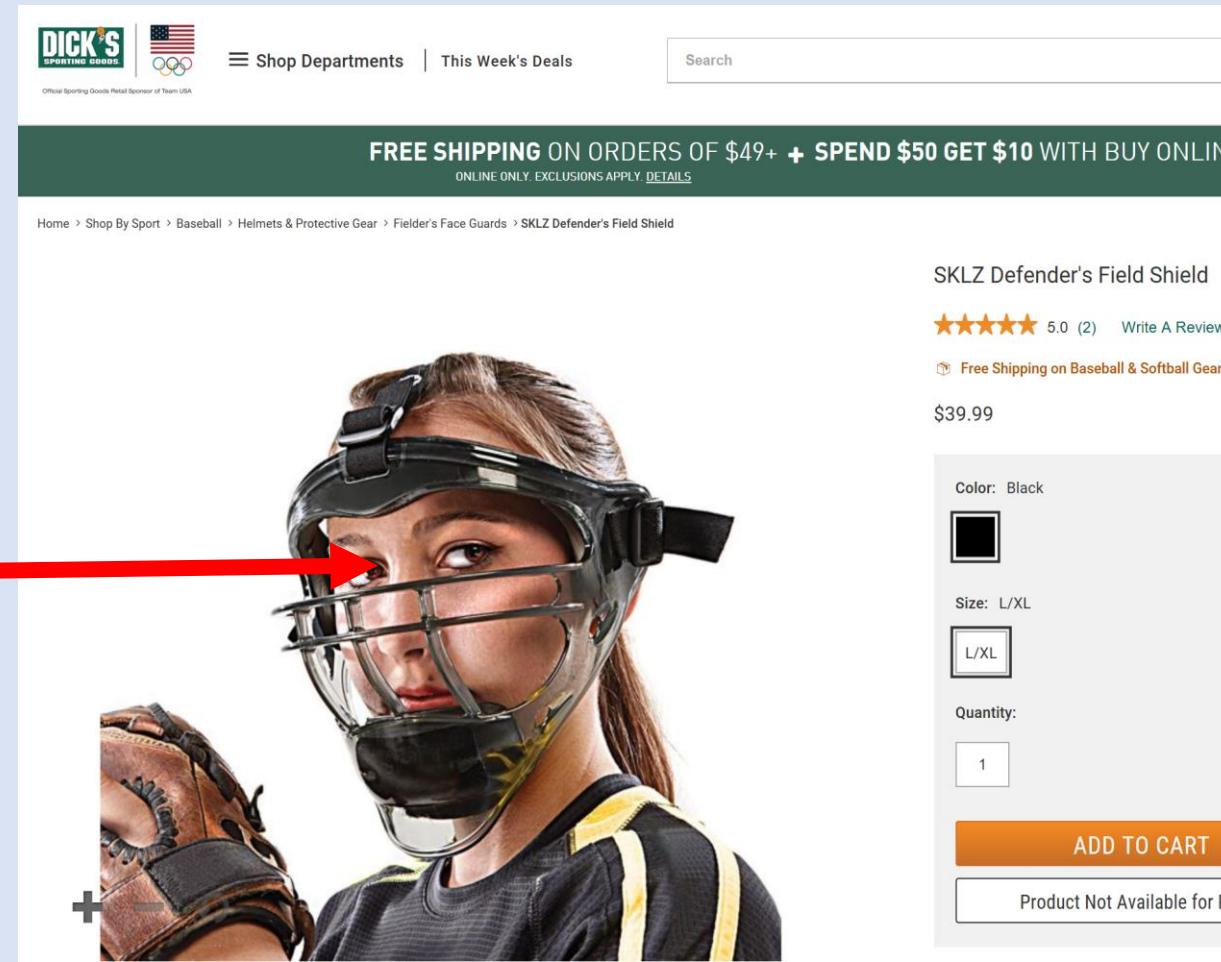
Defendant sells a face guard with said framework further including a plurality of risers interconnecting the crossbars,



**Claim 10****U.S. Patent No. 6,499,139**

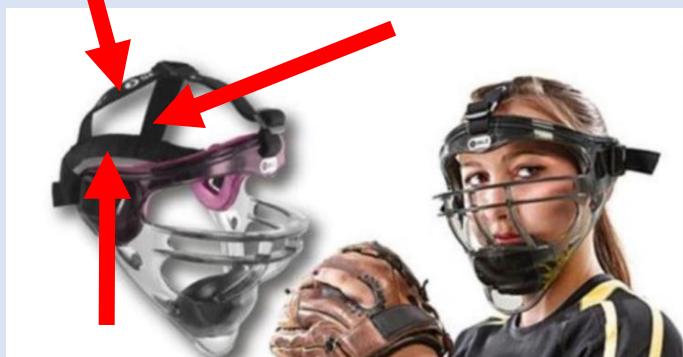
said framework being positioned, when the guard is donned, outside of the player's generally horizontal line of sight;

Defendant sells a face guard with said framework being positioned, when the guard is donned, outside of the player's generally horizontal line of sight;

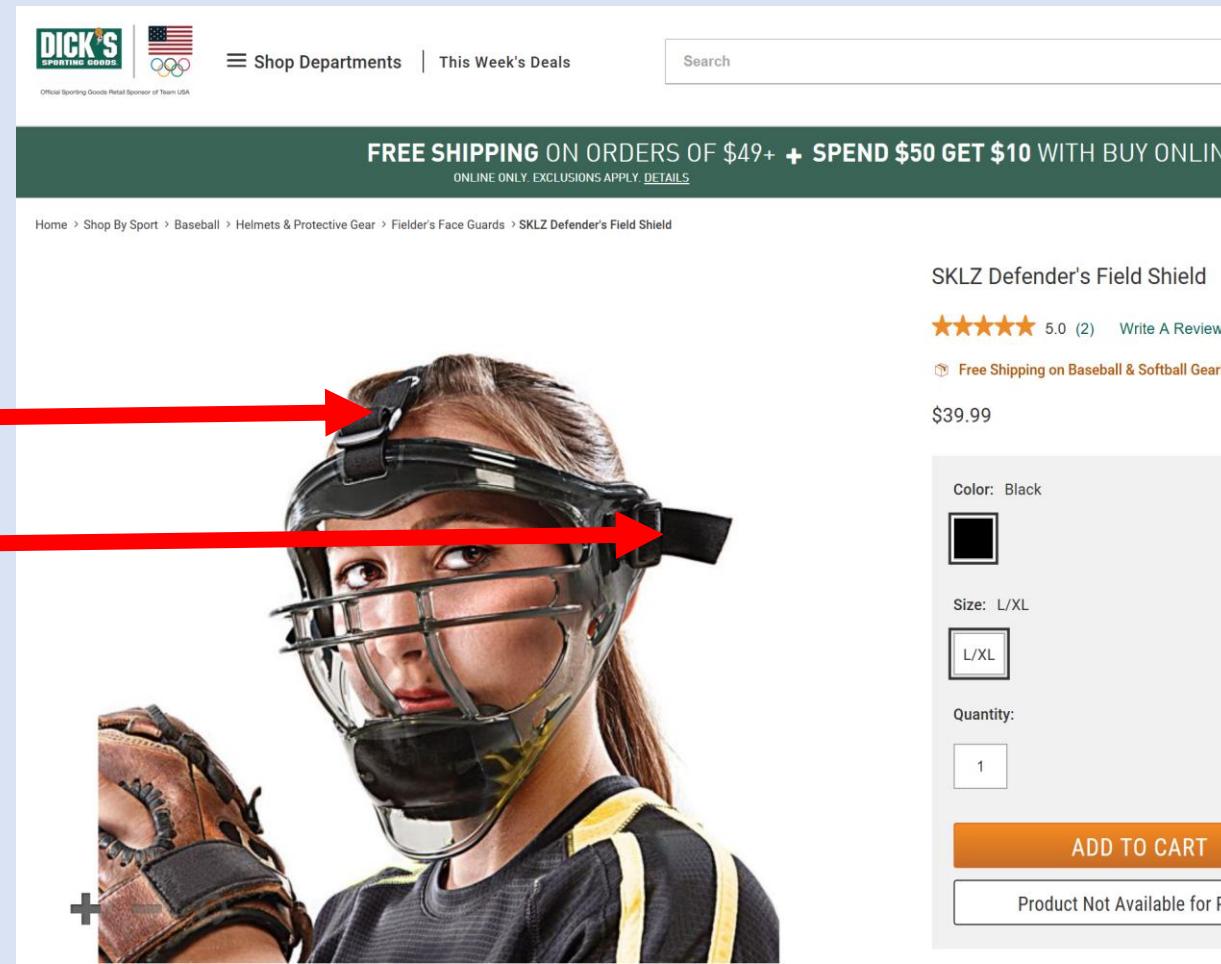


**Claim 10**

a plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned,

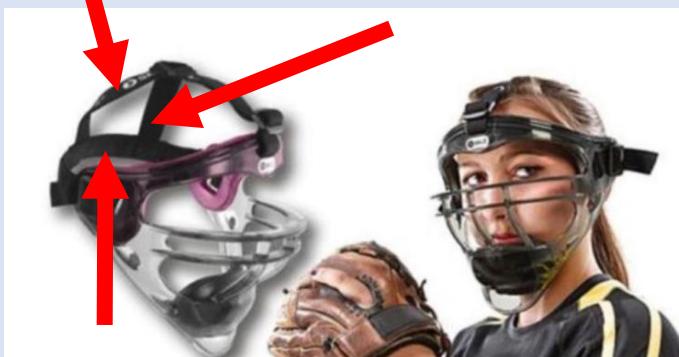
**U.S. Patent No. 6,499,139**

Defendant sells a face guard with a plurality of straps coupled to the framework and operable to position and retain the framework on the player when the guard is donned,

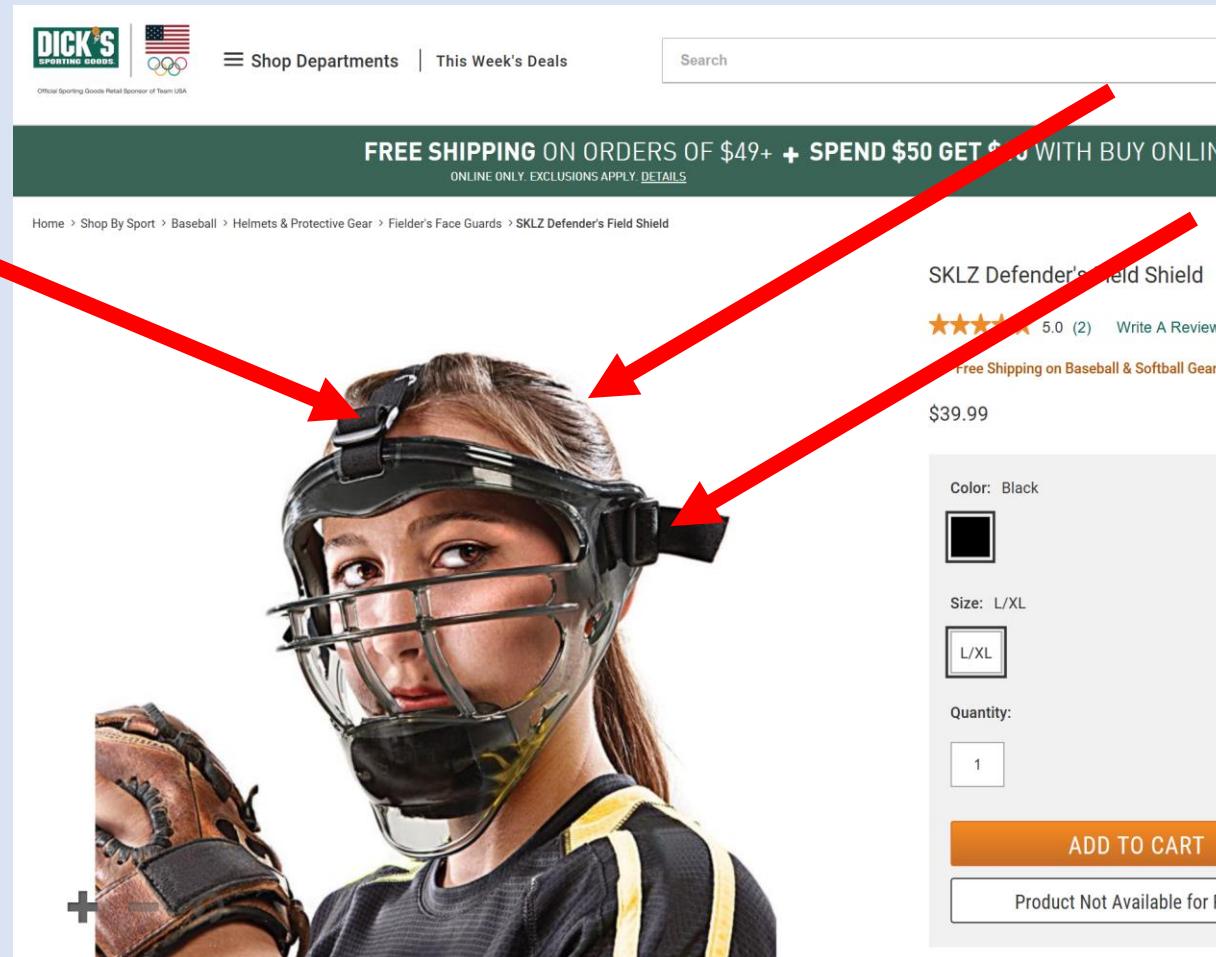


**Claim 10**

said straps including a positioning strap and a first securing strap, said positioning strap being continuous and stretchable, said first securing strap being adjustable; and

**U.S. Patent No. 6,499,139**

Defendant sells a face guard with said straps including a positioning strap and a first securing strap, said positioning strap being continuous and stretchable, said first securing strap being adjustable; and

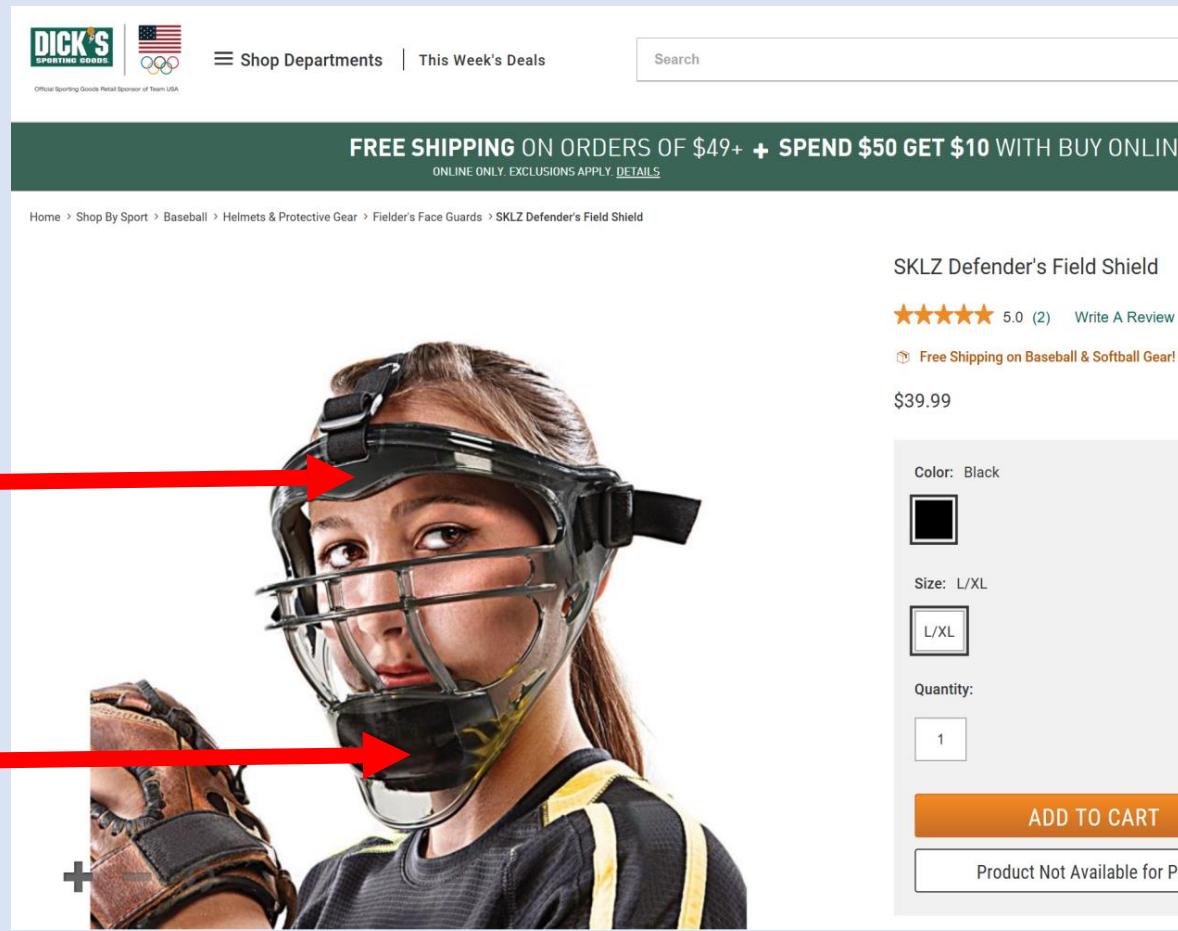


**Claim 10**

said padding presenting a brow pad and a chin pad, said brow pad extending laterally across the face and configured to contact the brow of the player when the guard is donned,

**U.S. Patent No. 6,499,139**

Defendant sells a face guard with said padding presenting a brow pad and a chin pad, said brow pad extending laterally across the face and configured to contact the brow of the player when the guard is donned,

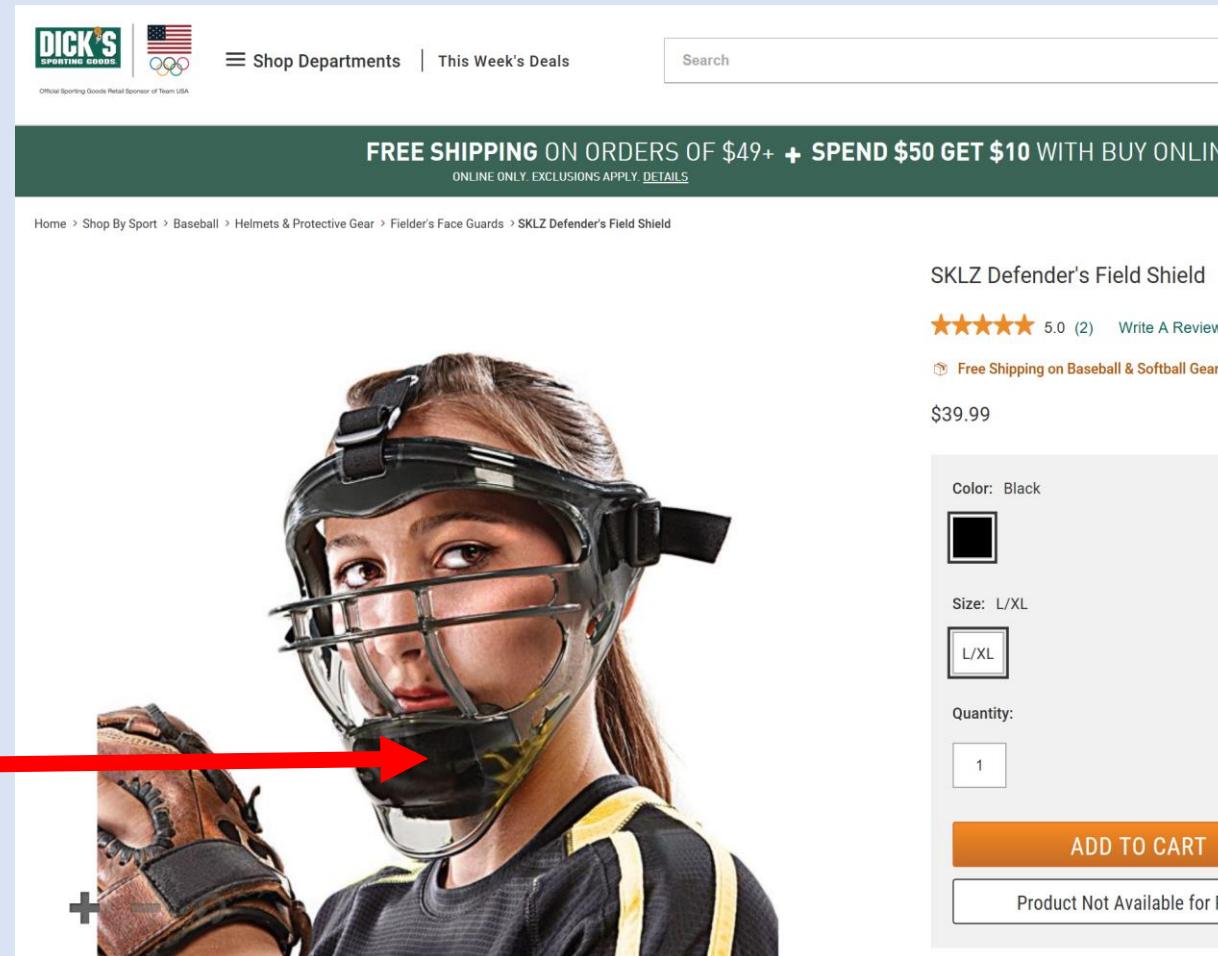


**Claim 10**

said chin pad extending vertically along the face and configured to contact the chin of the player when the guard is donned,

**U.S. Patent No. 6,499,139**

Defendant sells a face guard with said chin pad extending vertically along the face and configured to contact the chin of the player when the guard is donned,

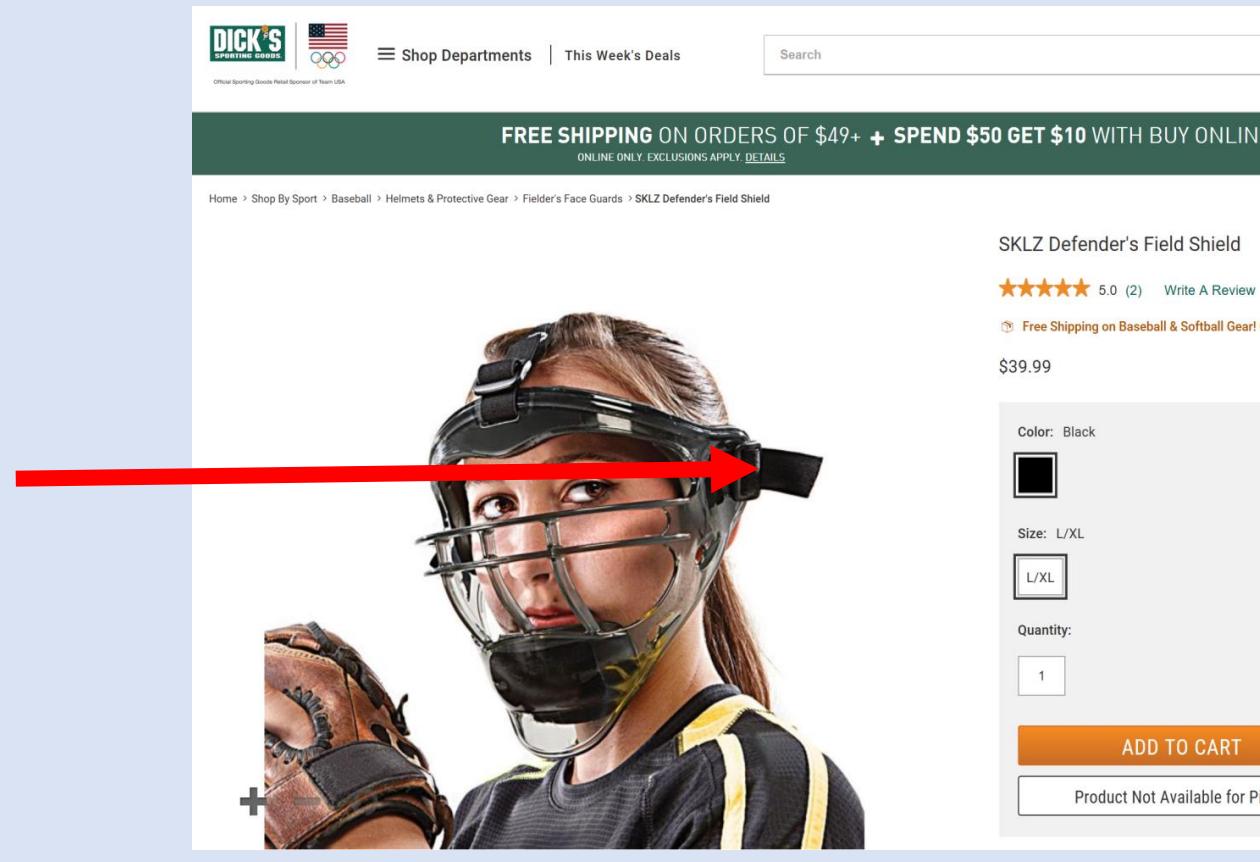


**Claim 10**

said plurality of straps including a second securing strap being adjustable, said first securing strap being configured to secure the guard on the player's face when the guard is donned so that movement of the guard relative to the player's face in a first direction is substantially prevented,

**U.S. Patent No. 6,499,139**

Defendant sells a face guard with said plurality of straps including a second securing strap being adjustable, said first securing strap being configured to secure the guard on the player's face when the guard is donned so that movement of the guard relative to the player's face in a first direction is substantially prevented,

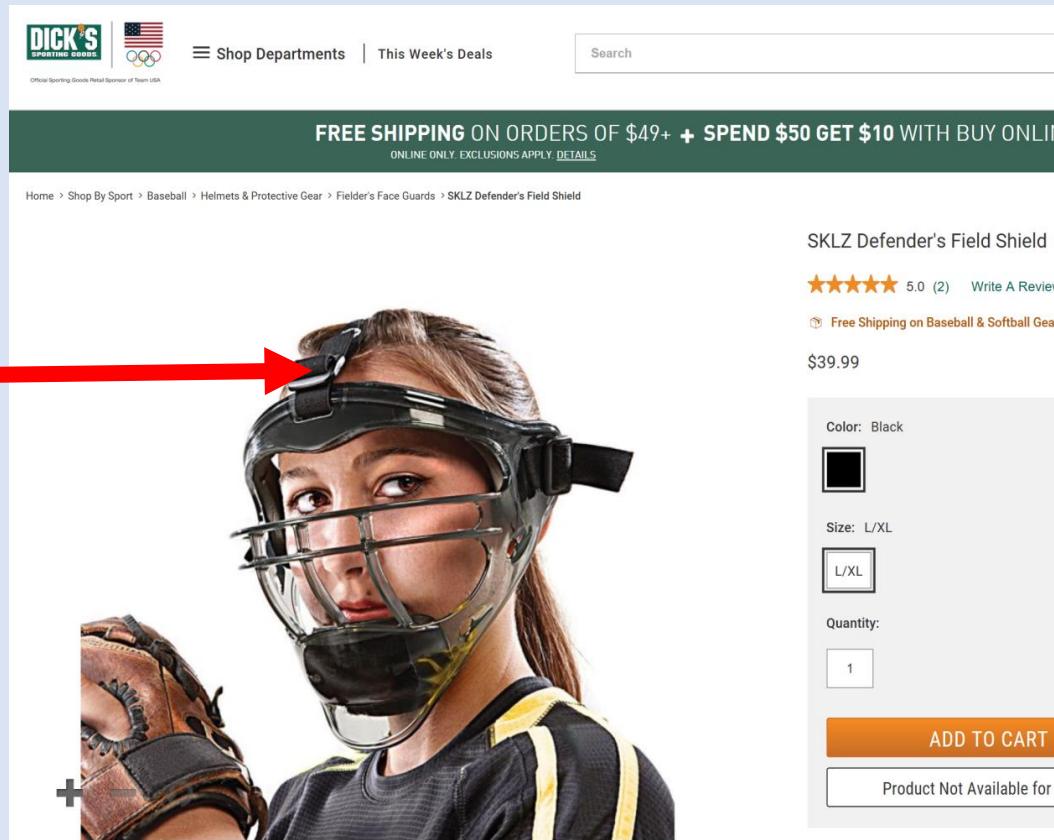


**Claim 10**

said second securing strap being configured to secure the guard on the player's face when the guard is donned so that movement of the guard relative to the player's face in a second direction is substantially prevented wherein the first and second directions are generally perpendicular to one another.

**U.S. Patent No. 6,499,139**

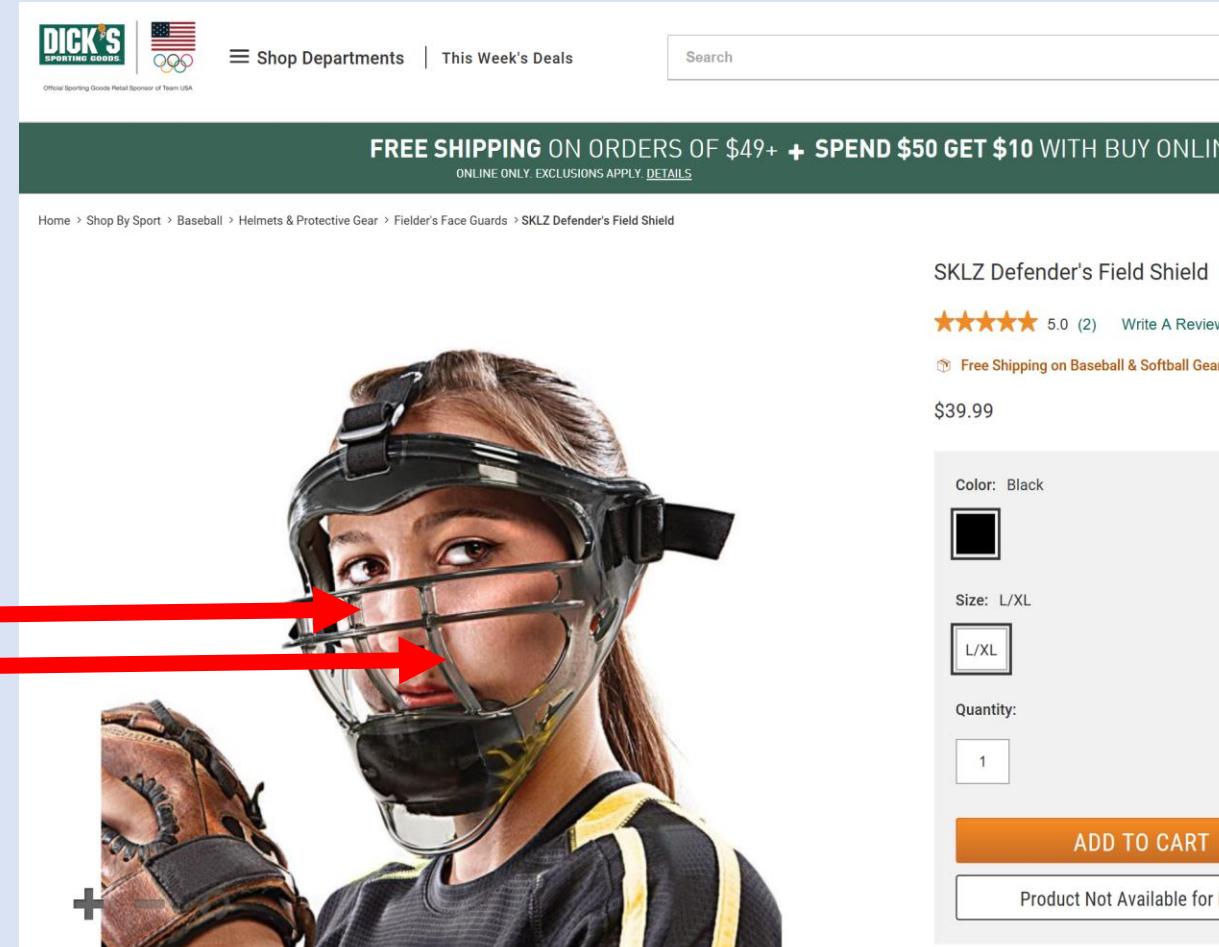
Defendant sells a face guard with said second securing strap being configured to secure the guard on the player's face when the guard is donned so that movement of the guard relative to the player's face in a second direction is substantially prevented wherein the first and second directions are generally perpendicular to one another.



**Claim 11****U.S. Patent No. 6,499,139**

the face guard as claimed in claim 10, said plurality of risers being free of said compressible padding.

Defendant sells the face guard as claimed in claim 10, with said plurality of risers being free of said compressible padding.

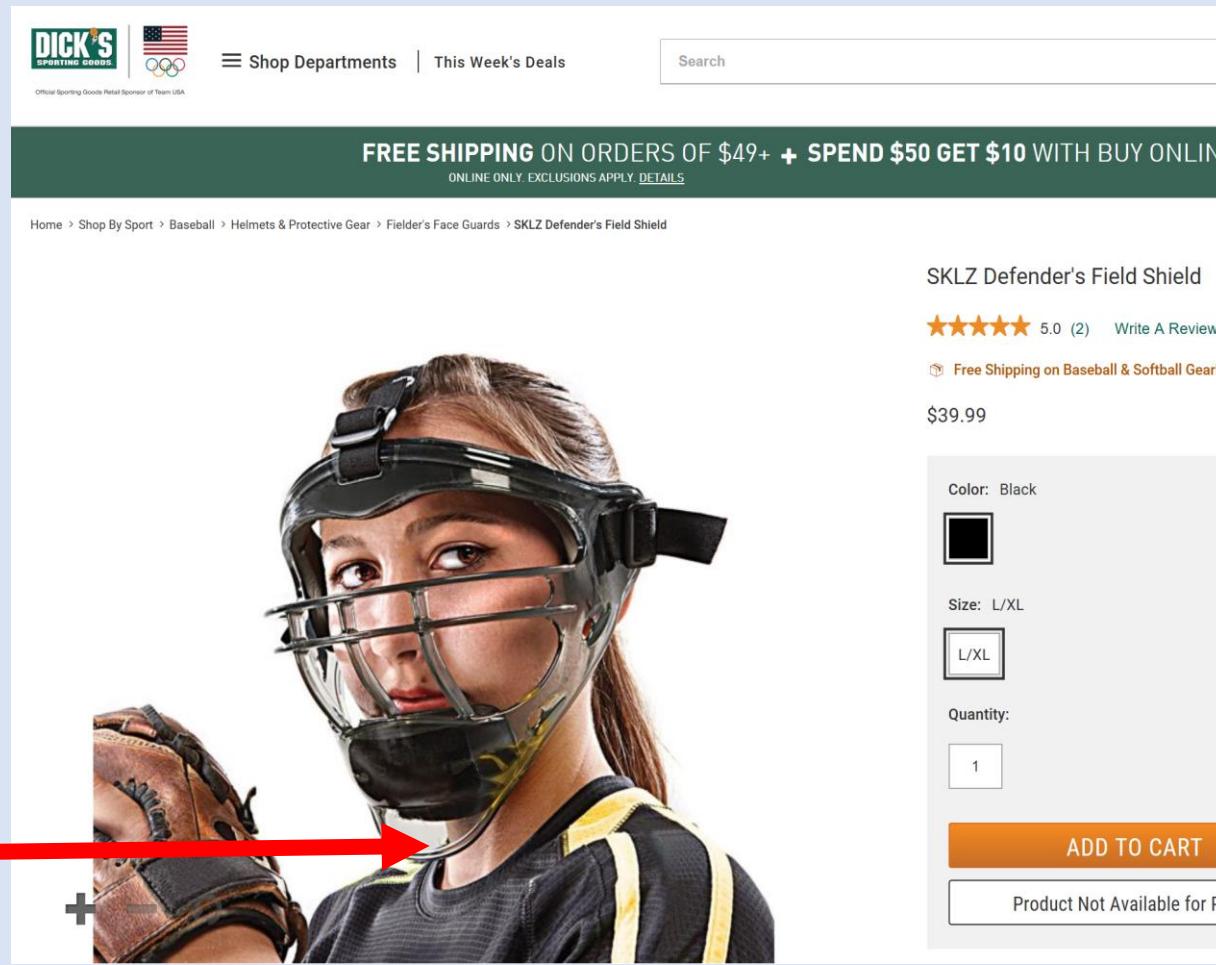


**Claim 12**

the face guard as claimed in claim 11, said framework including a chin bar extending below the chin of the player when the guard is donned.

**U.S. Patent No. 6,499,139**

Defendant sells the face guard as claimed in claim 11, said framework including a chin bar extending below the chin of the player when the guard is donned.



**Claim 13****U.S. Patent No. 6,499,139**

the face guard as claimed in claim 12, said framework including a chin guard coupled between the chin pad and the chin bar.

Defendant sells the face guard as claimed in claim 12, said framework including a chin guard coupled between the chin pad and the chin bar.

